

MINUTES OF REGULAR MEETING

June 28, 2017

SHENANDOAH CITY COUNCIL

1. CALL TO ORDER (0:07)

Mayor Wheeler: Okay, we will call to order the regular meeting of the Shenandoah City Council, Wednesday, June 28, 2017.

2. CALL OF ROLL (0:19)

Call the roll, notice that everybody is here.

3. PLEDGE OF ALLEGIANCE (0:24)

If you would like to stand with me, we'll say the Pledge of Allegiance.

All: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all". "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible".

4. INVOCATION (1:00)

Mayor Wheeler: If you'd like to remain standing with me, I'd like to say an invocation for us real quick. "Dear lord, we just want to say thank you for this time. Thank you for the folks that are here tonight. We ask for your guidance, we ask for your hand on us, we ask for your knowledge. We're going to be talking about important topics tonight, we know that we're not perfect, we make imperfect decisions sometimes, we make mistakes but we know that we are loved perfectly by you and we know that you will help guide us through those actions. We pray these things in the name of your Son," and all God's people said--

All: "Amen."

5. CITIZENS FORUM (1:43)

Mayor Wheeler: Okay, we'll move right into item five which is Citizens' Forum. Thank you, Kathie. First step is Ms. Nancy Smith, she will speak for three minutes on matters related to agenda or non-agenda items. Is Miss Nancy Smith down here? Well, there she is. All right. Good for you. Hello, Nancy?

Nancy Smith: Hi. Nancy Smith 215 Sonoma Court in the Reserve. Nice to see you all tonight. Before I talk about the topic that I wanted to discuss tonight, I would like to make a request of counsel, we have had ongoing difficulty hearing members of council as they have commented on various issues those of us in the audience. We would like to be able to hear your comments all of them and would like to be able to hear all of your questions as well.

I have a few proposed changes that I'd like to make as you conduct the meeting. Could you please lean into your microphone, so that your voice can be picked up by the sound system? Could you please make an effort to speak clearly and slowly enough to be understood, and please observe the rules of order and avoid speaking over each other? Each council member should be allowed to see his thoughts through without interruption.

In addition with the voice of votes given simultaneously, it's difficult for the audience to know which member of council voted in favor or against a particular motion or vote. Would it be possible to either ask members to vote by raising their hand in addition to voicing their vote, or for our mayor to recap the 'yes' and the 'no' votes after each vote? With respect to the toddler park fence that's on the agenda tonight, I read on social media that the proposal is being put forward based on three alleged incidents of children getting into the street from the park.

I would like to propose that the information about these three incidents be provided to the Parks and Rep committee for further evaluation. Then I would like to ask that council should then take the park committee's recommendations into consideration during the budget development process for next year, and let this opportunity be ranked along with other discretionary spending in the context of our anticipated tax revenues.

As I stated last month, last two weeks ago our tax revenues-- I have one minute left? Okay, our sales tax revenues are projected to be down by \$800,000 by the end of this year. I am concerned about that and so every expense that Council votes on is exaggerated because of the reduced revenue. I hope the council will consider all the expenses before them with the fact that our tax revenue appears to be down. Thank you.

Mayor Wheeler: Thank you, Miss Smith. Ms. Teresa Danz, next up, please.

Teresa Danz: I'm Teresa Danz, 602, Hickory Ridge. The reason I'm here this evening is, I wanted to come here to apologize to you all to your faces. I read an article in the Community Impact titled 'Shenandoah is one step closer to building a Special Events Center. Now from that, I assumed we had been sold a bill of goods from our elected council again.

I have backed other council members in the years I have been here, just to be very disappointed to find out they have their own agenda, not so much about what was good for Shenandoah, but what was good for them personally. Again, I apologize for jumping to conclusions. I voted for all of you because of your honesty and because you wanted better things for Shenandoah.

You're doing a great job and it's only been less than three months. I'm looking forward to what the next two years will bring us. Thank you.

Mayor Wheeler: Thank you, Ms. Danz.

Teresa Danz: Thank you.

Mayor Wheeler: Last, but certainly not least, Mr. Darrell Frazier.

Darrell Frazier: Gentlemen. It's kinda weird on this side. Darrel Frazier, 2930. I would like to address a couple of urgent issues tonight. First is the Toddler Park. I believe as you make your decisions, couple of questions that you should be asking yourselves or of each other, one is, what are the unintended consequences of a fenced in park? We now have to make more rules and regulations in an era where people want less government.

That's something I believe a couple of you ran on. I have talked with, a great length with one of my neighbors who is on the park committee. She's a park committee member and uses the park regularly. As a matter of fact, she's probably one of the first ones to use the Toddler Park with her two young girls. She's very passionate about it being the responsibility of the parents to monitor and pay attention to their children, so here's a question, when does it become the parents' responsibility?

Mayor, I mean this positively because my voice is sometimes, has a controllers is taken the other way, but one of our first times we discussed this, with me being a father two, we said something to the fact that they, meaning your kids, would never make it to the street before you did. We would always outrun them, something of that sort. It was close. We should not live in such a spirit of fear for that.

In regards to the background checks, I want to say that I think it's a great idea. An example of this is my wife's identity was stolen back in 2013. If we had not filed a police report, this is back when Mark Denham was our detective, we would not have known that there was an arrest warrant out for my wife and that she, believe it or not, was a corpulent black woman with all of Kay's identification numbers.

I see this is a benefit to the employees of the city so if there is an unknown, it can be rectified by the employee. If you have a bad apple, get rid of them. It's all I got to say. Thanks, gentlemen. I appreciate what you guys do and your decisions. Thanks.

Mayor Wheeler: Thank you, Darrell.

Darrell Frazier: Thank you.

6. Introduction of new employees. (8:56)

Mayor Wheeler: Let's move into item six which is the introduction of new employees.

Mr. Smith: Members of council, we have two-- Excuse me, three new employees here with us tonight. First, Tony Herrera who is our Field Service Representative. He comes to us from the City of Oak Ridge North. He is the oldest of 10 children, he is married and has three children. He enjoys barbequing, being with his family, restoring classic cars, currently his pet project is restoring a 1929 Model "A" Ford. We want to welcome Tony to the city.

He enjoys barbequing, being with his family, restoring classic cars, currently his pet project is restoring a 1929 Model "A" Ford. We want to welcome Tony to the city.

Next, we have Jennifer Angeles. She is our new patrol person for a woman. She comes to us from Conroe. She was born in Southern California. She has two children, 13-year-old son and an eight-year-old daughter. I don't know which is worse, the Texas A&M...I always have to delay...and the UT rivalry, or a police officer having a boyfriend as a firefighter.

I don't know which one is worse an A&M and Texas, or Police or Fire, but she has a boyfriend that is a Conroe firefighter, and so we welcome her to the city, as well.

Again, last but not least is Abby Adams. She comes to us from Sam's Club out of Conroe. She was raised in a farm. She actually is a baker, she used to make custom cakes which for me being diabetic, is probably not going to be the best thing having somebody that can make homemade cakes here. She has five nieces and one nephew and she loves spending quality time with her family. Abby is going to be working with us as a Customer Service Representative on the front desk, and has already as all three of them have stepped into their roles and is just excelling in all areas. We welcome all three to the City.

Mayor Wheeler: Once again, welcome to all the new employees. We are happy to have you here. Before we move in [coughs] to item seven, we're going to take a break. We need to have a group photo for the new council. We'll take, what do you think, Kathie? 10 minutes? Five?

Mayor Wheeler: Kathie? Five minutes? 10 minutes? For the photo?

Ms. Reyer: 10.

Mayor Wheeler: We'll take a 10-minute recess. We'll come back at 7:25 and we'll pick up with agenda item number seven.

Mayor Wheeler: We'll resume the meeting. Thank you all for being patient with us while we went and took those pictures. I did not bring up the item five Citizens' Forum. If you did not fill out one of this, and you want to get up and speak, there's another Citizens' Forum at the end of the meeting. Feel free to turn one into Kathie, and we'll make sure everybody gets up and gets heard.

7. Consideration and possible action to approve a zoning alcohol permit for Avenida Brazil Brazilian Steakhouse located at 1400 Research Forest, Suite 180. (27:38)

Mayor Wheeler: Moving on to item 7 which is consideration and possible action to approve a zoning alcohol permit for, and I'm going to butcher this, Avenida Brazil Brazilian Steakhouse located at 1400 Research Forest, suite 180. Do I have a motion?

Councilmember Fletcher: I'll move.

Mayor Wheeler: We have a motion to approve by Councilman Fletcher.

Mayor Wheeler: Do we have a second?

Councilmember Raymaker: Second.

Mayor Wheeler: We have a second by Councilman Raymaker, do we have any discussion?

Councilmember Bradt: Yes, I have. Is the application in accordance with the applicable city codes?

Mr. Smith: Yes, sir.

Councilmember Bradt: Does it conform to requirements and approve site plan for the original SUP ordinance?

Mr. Smith: Yes, sir.

Councilmember Bradt: Good.

Mayor Wheeler: My only question is, it didn't say in here, and I'm assuming that because it does say that it is not a late alcohol permit but--

Mr. Smith: You are correct, sir.

Mayor Wheeler: -I'm going to ask, you know I'm going to ask.

Mr. Smith: You are correct, it is a non-late hour permit.

Mayor Wheeler: So it shuts her down at midnight. Any other discussion?

Mr. Smith: Just for clarification, this is the old Guri Do Sul location, just so everybody knows exactly what it is.

Mayor Wheeler: Any other discussion? All in favor.

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0.

8. Consideration and possible action to adopt the following resolution:

RESOLUTION OPPOSING LONE STAR GROUNDWATER CONSERVATION DISTRICT'S PROPOSED RATE INCREASE FOR 2018. (28:56)

Mayor Wheeler: Item eight, consideration of possible action to adopt the following resolution, the resolution opposing the Lone Star Groundwater Conservation District's proposed rate increase for 2018.

Councilmember Bradt: So moved.

Councilmember McLeod: Second.

Mayor Wheeler: We have a motion by Councilman Bradt, a second by Councilman McLeod, any discussion?

Councilmember Bevers: Having not reviewed their budget, or the ways that they have sought to reduce legal fees, the last two whereas clauses, I'm not sure I can attest to personally, has the city reviewed their budget?

Mayor Wheeler: Yes, we went today, myself, Councilman Bradt, and the city administrator went to the Lone Star Groundwater Conservation Districts meeting. They put the budget up on the projector, went through it basically line by line, and I can tell you that they have several other solutions other than just simply raising rates.

Councilmember Bevers: Okay.

Mayor Wheeler: Which I am adamantly opposed to.

Councilmember Fletcher: Did they take any action in the meeting today?

Mayor Wheeler: They did not. They had a couple of budget items that they want to go back to. Greg if I'm not mistaken, they had a few things they wanted to revise in the budget where they come back and take action, is that what they said?

Mr. Smith: Yes. They're actually sending the budget back to the budget committee which will be another public meeting that we'll notify you of when that budget meeting is, that is if they notify us. In addition, July, they moved their meeting to July 19th which will be the next board meeting where they will discuss this, but there were lots of good alternatives presented to them.

The board itself, board members had some alternatives for the entire board to consider and when it's all said and done, we will not see the rate increase that is in front of you tonight. That would just be my personal opinion after watching the board today and hearing all the conversations that it will be something less than this before it's all said and done.

Councilmember Bradt: Greg and Jason, myself, I'd like to see the whereas statement with a little stronger language. Now I know we talked about it this morning about this increase that they're proposing, just due to a lawsuit, as the mayor called it 'the white elephant in the room there', but once it's resolved or if they win or they lose this will the tax rate ever go down?

My thought process is you look at the toll road authority. Once they raise the rates, they'll never make it go backwards. Is that appropriate or is it not appropriate, is my question.

Mr. Frazer: You're certainly entitled as far as the whereas clause to put something in there about this being a short-term situation that they're dealing with in their budget, and that you're opposed to a permanent rate hike on that basis.

Councilmember Bradt: That might work.

Mr. Smith: You could even say whereas the City Council expects or demands, we could use that strong of a language that, if and when this lawsuit is resolved, that any fees associated to the lawsuit that they have received, if they win the lawsuit, be given back to the rate payers.

Councilmember Bradt: A lot of good things we could put in there and I just want to know if this was a vehicle to do it.

Mr. Frazer: This would be the vehicle to do that. Yes.

Mr. Smith: It is. We can modify this. The next time I think that they know, today I announced that we had a resolution in opposition and that it would be voted on tonight, so they have not seen this resolution unless they pulled it off of our website. I believe before July 18th, we would have another meeting.

We can put that stronger language in there and then bring it back to the Council to approve in the first meeting in July before their actual board meeting. We have time to modify it.

Councilmember Bradt: I'd like to amend my motion to include that, and at the discretion of you and the Council, to put said language in there.

Mr. Smith: Yes sir.

Mayor Wheeler: Is there any second?

Councilman McLeod: Yes, I second.

Mayor Wheeler: Okay, so we have an amended motion by Councilman Bradt, with a second by Councilman McLeod, do we have any more discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0.

9. Consideration and possible action to approve a fence at the Toddler Park. (33:43)

Mayor Wheeler: Agenda item number nine, consideration and possible action to approve a fence at the Toddler Park. Do we have a motion?

Councilmember Fletcher: I motion.

Mayor Wheeler: We have a motion by Councilman Fletcher, do we have a second?

Councilmember Raymaker: Second.

Mayor Wheeler: We have a second by Councilman Rainmaker, do we have any discussion?

Councilmember Bradt: I have several questions. What is the fence going to look like? Does it go from the right hand or the western side fence to the eastern side fence? Another question is, do we block the sidewalks or leave them open? I think there's a lot of unintended consequences. Another thing is, where do we put the fence? Do you put it along the sidewalk up front or do you put it towards the back where the green space is? I've spent a lot of time down there looking at it and talking with residents who use it, and I'm very perplexed right now as to what to do with this. So I don't think we're at a point for just voting, I'd have to say nay right now if we just vote for the fence and not change it by discussion.

Mayor Wheeler: I'm going to assume this red line on the diagram being given is the fence, it doesn't appear to have any gates so it doesn't appear it would be the sidewalk, doesn't appear to have gates over the sidewalk.

Councilmember Bradt: One of my thoughts was where the gates if you beat the sidewalks, what's to prevent someone with a large dog? There's no toddlers and nobody's in the park which is that way quite often-

Mayor Wheeler: Using it for a Dog Park.

Councilmember Bradt: -just using it for a Dog Park. Resident B comes along with her toddler, sees a pit bull running around there, which is a toddler pit bull.

Councilmember Bradt: The point is--it's an unintended consequence. That's all I want to bring up.

Mayor Wheeler: Any more discussion?

Councilmember McLeod: I would suggest that we can send this back to the Park Committee. There has been some discussion about it with the Park Committee is made up of residents, we've asked them to consider that in the past. I'm not sure what the effect on this-- I've been fairly ambivalent, I go both ways, I really see both sides on this one.

Councilmember Bradt: I do too.

Councilmember McLeod: I'm not really strongly in favor of it, I'm not strongly opposed to it. I'm wanting to consider this, if the purpose of the fence is to contain children, then by that nature, we should think about gates.

If the purpose is to slow them down, then we can do some of that with some green-scaping or some hardscaping and maybe on that, let's see, the east and westernmost area where it's totally open, we don't have any plants; that may be a reason we don't have any plants there. You could look at some means of discouraging toddler traffic. Right now it's an immature plan. We could possibly send it to Park Committee for, "Hey, if Council wants a fence, you guys come up with a good fence or a fence that meets these needs."

I'm kind of like Charlie tonight at this point, it's a little immature to vote on it. It's something that we ought to be thinking about for, certainly for budget, but we ought to consider all the possibilities like the purpose of the fence. Again if it's containment, and then we need to be talking about gates.

Then when you think about how the gates affect ADA. There's a lot of things that have to be dug into before we-- Again, I'm not opposed to a fence, but it's just going to take a little more digging and is wrought iron really the best solution for this? It matches some of our other ones but is there other fencing solutions that might look more natural? Is there a temporary solution that runs the vegetative area until that becomes more mature that would be less expensive and still discourage toddlers from running through that? We want to look at the height of the fence, the possibility of the fence to attract and trap garbage and those kinds of things that blow around.

It's great that we're starting this, that we're having this discussion. Let's just keep the discussion going and keep talking about this and say, "What are the thoughts?"

Mayor Wheeler: I got to be honest with you, we're over thinking this one. We're talking about a four-foot high wrought iron fence that most people have in their yard. I'm not necessarily in favor of the fence either. As Darrell pointed out earlier, I got a six-year-old and a five-year-old and I promise you they cannot outrun me into the street.

I'm not worried about my kid getting out into the street from the park, but if you have residents that are afraid of that, they're fearful of it, it's a \$13,000 fence that actually, the city administrator has the ability to go stroke a check for it tomorrow without even asking us.

We have enough residents that have voiced an opinion of it that we could sit up here and hash this out all night long, and we could win the battle and end up losing the war when it's all said and done. My opinion is, we put the fence up, if we don't like it, we take it down one day. Or we want to go back and put gates on it, put gates on it, or if we want to paint it a different color, paint it a different color.

We're overthinking whether or not we put up a \$13,000 fence that regardless of what we say, it will provide an additional layer of protection for our kids. It may not provide all the protection, whatever it is, it will at least be an additional layer. I can't see that being a bad thing. Not enough for me to stand up here and say, "I don't want to spend the money when other people do."

Councilmember McLeod: It's not about money.

Mayor Wheeler: No. It's not. It's not about the money.

Councilmember McLeod: It's not about money.

Councilmember Fletcher: Actually it is. It's been brought up three times so if it's not about the money, then why are we talking about? Outside of that first off, I do want to address a couple of comments. One, those that are on our Park Committee, first off I just want to say thank you for the work that you do. I know that this has been before you several times, not just in the planning phase, but I know that it's gone back to the Park Committee at least on one other occasion, because the fence has been brought up at least on one other occasion., so I do appreciate the parks committee's input and all the work that they do to improve our green spaces for the use of our residents.

I do appreciate the Parks Committee's input and all the work that they do to improve our green spaces for the use of our residents. The Toddler Park's another good example of the work that they've done to this point, in being able to turn that unusable space into a great benefit for public use. However, I know that part of the design of the park hasn't grown to fruition, and Mike you were talking about putting shrubberies in that would be able to grow. Well, if you look at the park, that's how it was designed. Over a year ago, it was identified by Council at that point that we've planted shrubberies that will grow and become a hedge and will create a fence line. Well, that's for

whatever reason, the mix in the dirt or whatever, those shrubs are still less than a foot tall, so they're just tall enough to trip Mayor on his way to catching his kids out to the street.

The premise is twofold, obviously tonight I appreciate our residents who came and spoke and addressed this issue before Council, but I would have hate to have been on the other side of this and a mother standing at that podium. I went to one funeral this year that involved three kids and I'm still emotional about it. I don't know that I would have handled that appropriately, if a mother standing in front of me, wondering why this has come before Council previously and nothing's happened. I don't think anybody in this room wants to address that point. It is not about the money, it's all about the safety.

If it's going to be about the money, then the second thing we need to look at is litigation that the city would be involved in, in a situation like that specifically. Did we do everything as a city that we could have, to prevent and bring a safe environment for the kids at the park during that time? That's the second part of that. There's a lot to it. I agree with you. It's not just a matter of cut and dry, let's put a fence in and let's be done with it.

There's a couple more aspects to that. I appreciate Greg putting together quickly a quote that kind of gives us an idea of what the cost would be. It's not a specific design, the purpose was for discussion, and then also approval to move forward. I don't think it's something we have to send back to the Park Committee to try to figure out what we need to do.

I appreciate the fact of what the Park Committee is doing, but in this case, my personal opinion is they have it wrong because it's gone back to them on more than one occasion.

At this point, it's something the Council needs to deal with and make the choice we're either going to pursue it or we're not. I have five kids, I get it, none of my five kids would be running in the middle of the street. That's as a parent but everybody has to manage their family the best that they can manage it. There's a lot of things that can happen on that curve, there's no real safe parking there, so there's been several times that I've driven through and there's cars parked around that curve, and there's kids in that park and mom and dad are coming out the walk way and kids are running through the shrubbery.

I just drive five miles an hour when I see a bunch of cars there because I know there's kids there. The big thing at this point from a Council perspective, in serving our constituents and having them come and say on several occasions that, "Hey, we have a safety issue here." I know of three families right now that don't use the park because of that. It's not because they can't control their children, it's just the 'what if'?

I'm asking Council to consider to approve the fence tonight. We can work the details out. Like I said, I don't think that's a difficult task for Greg to achieve. He pulled numbers real quick and was real specific on-- I'm sure they've probably looked at it in the past, and that's probably why he was pretty quick on being able to pull and bring the numbers before us tonight. That's all I have to say.

Councilmember Raymaker: Yes, I agree with you Ted that this doesn't need to be punted back one more time to the Parks Committee. It's time to make that decision and that's what we're here for. I think that our pro staff can come up with an appropriate design, and they can probably do it pretty promptly.

Councilmember Bevers: When I considered the fence at the Toddler Park, I looked at it not as so much containment, but as giving parents an extra one or two seconds to catch up to their kids. I can tell you right now, if I were to bring my two kids there, if it was a Saturday where I'd had the two by

myself, I wouldn't go to the Toddler Park because my son demands a lot of attention as a one-year-old right now.

It could be very easy that I would divert attention for five seconds and my daughter could be chasing a ball, or seeing a friend, or who knows, seeing a dog and run away because she's really scared of dogs. To that end, I would actually like to see the fence on the street side of that sidewalk. Something similar to the fence except, not vinyl-coated chain link but similar as the basketball court at our main park, where there are small gates that don't lock, don't latch, you just push them open and they would open towards the park and leave enough gaps on the corners, so that we don't invite it to be a dog park-type environment.

It's a simple solution and one that would frankly be attractive and fit in with the residential area. There's a lot of people who have wrought iron type fences in residential yards. I really don't think kids running through the bushes is the main issue, it's them running down the sidewalk and this current plan doesn't address that in particular.

Councilmember Fletcher: I would add we probably have more fences in our main park, on the less busy street than we have in-- Obviously, there's none in the Toddler Park, but I find that there was a lot of fences in our big park, in comparison to many other parks that I've visited that's not even on the main street.

Mayor Wheeler: Okay, any more discussion? Ted will you--

Councilmember Bradt: What exactly is the motion?

Mayor Wheeler: The motion was to approve.

Councilmember McLeod: Just to approve the concept of the fence.

Councilmember Bradt: It doesn't say concept, it says approve the fence.

Mayor Wheeler: A fence at the Toddler Park.

Councilmember McLeod: It would be to approve the idea of the fence and then--

Councilmember Fletcher: I withdraw my motion.

Councilmember Fletcher? Hold on, what I'm trying to say is-- what I'll say is I'll do a re-motion and that would be our motion to approve the fence or a fence that is designed by our staff for the Toddler Park within the budget that we're seeing.

Mayor Wheeler: You still going to second that?

Councilmember Raymaker: Second it.

Mr. Smith: If I can get clarification so staff does exactly what Council wants. We've had a couple different types of fencing, gates no gates. I hear what Byron said correctly, "We want gates, we just want a pass through gate and we don't want just a simple wrought iron, that we want something more like the basketball which would be a chain link." Am I correct because that's really the only option you have for that?

Councilmember Fletcher: I would say that you need to use your design expertise on this and if you want to throw a couple of examples at us and say, "Here's two examples."

Mr. Smith: Okay. We will do that.

Councilmember Bevers: If we do that and we consider examples, we're bound to delay for another couple of weeks.

Councilmember McLeod: We can vote on it on what's the July meeting 13th? The actual, then they would start work.

Councilmember Fletcher: If we vote on it to be under Greg's check writing authority then he can make a change if he needs to.

Councilmember Bevers: Yes, but if he feels unsure about the direction of the council, I'm sure he wouldn't feel comfortable with that, he would probably bring us--decided but I think we can say, wrought iron gates and designed in a way to not encourage it to be a dog park environment and then turn it over to staff.

Mr. Smith: With that I can give you exactly what you want. What I got concerned about was-- and I'm not being critical or anything is when we start talking about a certain style of fence with a certain style of gate. Wrought iron, three or four foot, with gates that don't lock, don't latch, they're just push through gates, I can do it and we can leave enough gaps in that fence to where it is not inviting to be a completely contained environment, whether that's a one-foot gap in the middle and two one-foot gaps on either side staff can certainly come up with that.

Councilmember Bevers: I'd even add the-- you have full discretions of wrought-iron look. If there's a cheaper material that is a quality material let's-

Mr. Smith: Yes, absolutely.

Mayor Wheeler: We have a motion and a second, do we have any more discussion?

Mayor Wheeler: Okay. All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carried 5-0

10. Consideration and possible action to approve reimbursement to the NCAA for ticket sales.
(51:01)

Mayor Wheeler: Item 10, consideration and possible action to approve reimbursement to the NCAA for ticket sales.

Councilmember Bradt: So moved.

Councilmember Fletcher: Second.

Mayor Wheeler: We have a motion by Councilman Bradt, a second by Councilman Fletcher, do we have any discussion?

Mayor Wheeler: All in favor?

Council: Aye.

Moderator: Any opposed? Motion carried 5-0.

11. Consideration and possible action to approve an expenditure for submission of unclaimed property to the Comptroller. (51:19)

Mayor Wheeler: Item 11, consideration and possible action to approve an expenditure for submission of unclaimed property to the comptroller. Do we have a motion?

Councilmember Bevers: So moved.

Mayor Wheeler: Do we have a second?

Councilmember Bradt: Second.

Mayor Wheeler: We have a motion by Councilman Bevers, we have a second by Councilman Bradt, and do we have any discussion?

Councilmember Bevers: Yes. Jennifer, have we attempted recent communication with these folks?

Ms. Calvert: Yes, numerous times.

Councilmember Bevers: Okay.

Councilmember Fletcher: What are the escrow accounts for?

Ms. Calvert: Development, agreements and they're pretty old. So old I can't really tell you exactly what they're for, we can get the agreements and discuss it there but they've been around a long time.

Councilmember Fletcher: What would prohibit us from just refunding the escrow accounts to-

Ms. Calvert: We've tried to do that, that's why we're submitting it to the comptroller as unclaimed property is because we've tried to make contact with them to refund the money but it's coming back undeliverable because of bad addresses, no phone numbers. We've made every attempt that we can.

Councilmember Fletcher: All these are businesses, they do business with us do they not pay us taxes? Do we not have any contact information form?

Ms. Calvert: No.

Councilmember Fletcher: So none of these places pay us taxes?

Ms. Calvert: No, they're typically developers that have come in, I know that Resource Development Group, I've even attempted to reach out to one of the partners via LinkedIn, have gotten no response. From what we can tell, the Resource Development Group, that company is no longer in business. These others, again the addresses that we have on the agreement we've tried, those aren't working, we've sought out other contact information and those aren't working as well.

Councilmember Fletcher: The Resource Development Group that's Portofino, is that correct?

Ms. Calvert: No.

Mr. Smith: That's Portofino Plaza that was the developer that did Portofino Plaza and not Portofino shopping center. It was the developer, not the current owner.

Ms. Calvert: Yes, the agreement is just the project that they were working on. We promised if we could give it back to them that easily we would've done it; this is a lot of work.

Councilmember Fletcher: All good, send it to the Controller.

Mayor Wheeler: We have a motion and a second, do we have any more discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carried is 5-0.

12. Consideration and possible action to approve the Police Department's fourth quarter fuel charges. (53:48)

Mayor Wheeler: Item 12, consideration and possible action to approve the Police Department's fourth quarter fuel charges.

Councilmember Fletcher: So moved.

Mayor Wheeler: We have a motion. Do we have a second?

Councilmember McLeod: Second.

Mayor Wheeler: We have a motion by Councilman Fletcher we have a second by Councilman McLeod. Do we have any discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carried is 5-0.

13. Consideration and possible action to approve engineering for the wetlands phase of the east side relief pond. (54:10)

Mayor Wheeler: Item 13, consideration and possible action to approve engineering for the wetland's phase of the east side relief pond. Do we have a motion?

Councilmember Bradt: So moved.

Mayor Wheeler: Do we have a second?

Councilmember Raymaker: Second.

Mayor Wheeler: We have a motion by Councilman Bradt, we have a second by Councilman Raymaker. Do we have any discussion?

Councilmember Bevers: I'll add the MDD approved to fund us with the caveat that before we make contact with the army core of engineers that the city will make contact with TxDOT because this does concern the TxDOT pond.

Mayor Wheeler: Thank you, Byron.

Councilmember Raymaker: What's the projected time-line including the permitting process?

Mr. Smith: I'm going to let Derrick answer that question.

Councilmember Raymaker: Hey, Derek.

Councilmember Bevers: It's too long.

Derek Wind: Yes, too long is a good answer. From the time that we start the process to the time that you would have a permit and secured a mitigation plan that would allow you to start construction on a project in that area, typically the number you get is somewhere between 18 months and two years.

Councilmember Raymaker: That's just for the permitting?

Derek Wind: Yes. That's the entire process all the way to usually have some type of mitigation bank or mitigation plan that's included that you would have to secure financially before you can start construction.

Councilmember Raymaker: But then what will be the approximate timeline for the design-build out beyond that?

Derek Wind: You would certainly be designing within that two-year process to where hopefully you would match when you get your permit and when you start construction and obviously construction depends on the scope of work. If you're talking about the detention pond say if it shows option two you might be looking at nine months to a year for construction.

Councilmember Raymaker: Nine months to a year would be an average swag then.

Derek Wind: Sure. So that would mean from start to finish you're looking at probably three years for having a finished project.

Councilmember Raymaker: Thanks.

Councilmember McLeod: Another question. Derrick -- it could be. Two questions, this is for the detention pond. How does this spending-- obviously there's couple of different options and my understanding is nothing's been absolutely finalized. Is that correct?

Mr. Smith: That's correct.

Councilmember McLeod: And I understand because we got this two-year lead we're trying to be as proactive as possible. How does it affect if for example we shrink the pond and we mitigated far more than we need to mitigate. Or if suddenly everybody jumps on board and says, "Hey, let's make this a regional detention pond," and starts writing us checks and what's the step point-- how does moving forward based on this proposal going to affect our planning and getting in the detention pond as it's designed?

Derek Wind: The reason we're having to go into this long two-year process is because your proposed improvements are greater than a half-acre. I think once you get greater than a half-acre the intent or the plan would be to assume the largest footprint possible and address that with the Corp, maybe some of the feedback from the Corp or the cost of mitigation or something like that may have an impact on the decisions you make as far as your final plan for your other projects.

But I think getting the process started now you certainly could stop the process if we get into the process and we haven't done the application yet but we see that it's leading with the Corp to somewhere we don't want to go, you would stop at that point but I think getting it started gives you a big piece of the puzzle that you need to put together to make a successful project in that area.

Councilmember McLeod: Because it's not obligating us to actually do the remediation and purchase the remediation. This is just getting us ready-

Derek Wind: And you could even go to the point of getting the permit and decide not to purchase whatever you'd have to do for the mitigation and drop the project. As long as you haven't done any construction in the area.

Councilmember McLeod: Okay. Do we have an estimated cost on the cost of remediation for this project?

Derek Wind: The going rates are \$75,000 to a \$125,000 per acre so it depends on the footprint of your project. I think we're talking about potentially 20 to 30 acres so you'd be looking at \$2 to \$3 million if you were to do that size of project.

Councilmember Bevers: Too long and too much.

Derek Wind: Yes. Absolutely.

Councilmember Bevers: Mike, I think that you bring up some good questions for me. In my mind, I know that MDD has approved option two, I believe or option two-

Mayor Wheeler: We haven't approved it.

Councilmember Bevers: Okay, you haven't approved it?

Mayor Wheeler: Yes, we haven't approved it, that's where we're leaning towards but there hasn't been any formal approval yet.

Councilmember Bevers: Okay. Has city Council considered all the options recently? I don't know that answer.

Mr. Smith: No, MDD has worked out since MDD has not made any recommendations it has not come to the city council for discussion. City council saw the general concept of the pond last year sometime but they have not seen it since then since it's still been a work in progress. And as this project continues, it's still is a work in progress because there are several moving targets that today is no, tomorrow they may come back and say, "yes" and we have had that happen even in the last two weeks.

So where I agree with the MDD board has given staff the direction to continue down phase two as a thought process, nothing has been formally approved or been brought back to the council for approval.

Councilmember Bevers: I think it would be beneficial for obviously on MDD to get a chance to look at it a number of times, I think it is going to be beneficial for the rest of the council to look at all the options and we can discuss it in sense. In the end, we will be the ones that own and operate this facility. So I'd like to see that as a recent one but we'll have the added information of a recent communication with TxDOT as well is part of this.

Councilmember Raymaker: Derek, does the corps of engineers work with the county engineer so when we do work like this, are we being good neighbors to those downstream?

Derek Wind: There is no so like, there is other programs that actually have representatives for the federal government on a local level like FEMA does that for instance. The corps to my knowledge does not do that so there is no direct involvement from the county. I think the general intent of what they are doing is to protect neighbors and protect ultimately the environment and the benefits of having wetlands in the area.

Councilmember Raymaker: So we don't reach out to any of the commissioners, then that might be impacted by any additional run off or anything that comes off.

Derek Wind: You may be getting beyond my understanding of the process but to my knowledge no we don't.

Mayor Wheeler: We are certainly getting beyond the agenda item. All good questions, certainly beyond the agenda item.

Councilmember Raymaker: Done.

Mayor Wheeler: Any other Questions for Derrick about the agenda item? Okay, so, thank you, Derrick, I appreciate it. Okay so, the agenda item was consideration of possible action to approve engineering for the wetland phase of the east side of the pond we had a motion and a second, we had a discussion, do we have any more discussion?

Mayor Wheeler: All in favor?

Council: Aye

Mayor Wheeler: Any opposed?

Moderator: Motion carries 5-0.

14. Consideration and possible action to award a contract for landscaping services at David Memorial Drive - Phase I extension. (1:02:58)

Mayor Wheeler: Item 14, consideration of possible action to award a contract for landscaping services at David Memorial Drive phase one extension. Do I have a motion?

Councilmember Bradt: So moved.

Mayor Wheeler: Do I have a second?

Councilmember Bevers: Second.

Mayor Wheeler: A motion by Councilman Bradt seconded by Councilman Bevers do we have any discussion?

Councilmember Fletcher: I have a couple of design questions actually just from the footprint that was provided to us. I will bring them up as a curiosity, I'm not a professional landscaper or gardener by trade, by any means most things die under my watch. The question that I have in looking at the footprint that was provided to us, are all the trees planted in the median, is that what I am seeing? Don't go too far.

Mayor Wheeler: Sorry Derek don't go, you want to stay in the corner over here?

Councilmember Raymaker: Hey, I'll see you tomorrow too.

Derek Wind: That's correct, all the landscaping period is within the median. The primary reason for that is because of the elevation that we needed on the road and the limits of the right of way. You actually have a pretty steep slope on either side of the roadway and so the landscape architect didn't think it was a good idea to try to plant trees in that area especially with all the utilities and everything that would be in conflict.

Councilmember Fletcher: So on the design scheme that was provided to us, it looks like that all those trees are planted pretty closely to one another. Is that the correct representation that we are seeing or are they spread out because my understanding of the crepe myrtle is, well, I have one in my backyard that I haven't killed yet and it is about 35 foot high right now. My understanding is those can grow to be very tall and large so for planting them two to three foot apart, my concern is when you're driving through our entries especially into the valley, it's welcome to the jungle. I mean it's so overgrown and the landscaping, sorry, just does not represent our city well. I would hate for that to be the representation of this city.

Derek Wind: Okay. Certainly, that would be a question for a landscape architect and I can ask that question for you. I can just go to Greg to give you an answer or if we need to have a meeting I'm certain we can do that. Any of those things can be changed at this point still so we can get some answers.

Councilmember Fletcher: I saw there is one oak that's being planted or is that being planted? Is that- on the roundabout?

Mayor Wheeler: Based on the way the agenda item is worded, we could approve the contract for landscaping, and ask if the design be brought back to council for approval. Would that be correct, Jason?

Mr. Frazer: That would be correct.

Councilmember Fletcher: I'm all in favor of it.

Mayor Wheeler: Yes. Okay

Councilmember Raymaker: Can we have that up on the screen so that everybody knows that we're-

Mayor Wheeler: I think once we get the design back then we can do that. All we're doing right now is approving the contract.

Councilmember Raymaker: Derek, what is the timeline then to build?

Derek Wind: I Believe the intent is to coordinate with Entergy as well because we don't want to put the plans in and then have energy come in and start putting-

Councilmember Raymaker: Once you are told a go date, how long will it take?

Derek Wind: Once Entergy is done then I think it's a 60-day contract if I remember correctly.

Councilmember Fletcher: I also noticed some contractors were considering a solar controller, utilizing a solar controller rather than a wire, is that correct?

Derek Wind: Correct. That was an alternate. I believe the solar was the alternate and the hard wire was the main. The reason for that is again, with Entergy and the service that's needed out there whether or not we could provide it. We had to coordinate that with them. I do need to get an update from Entergy with the latest plan for the lighting if something like that's going to be possible or if we will have to go with the solar for now.

Councilmember Fletcher: I guess my other question would be before we end up going with the solar, what's the lifespan of that typical model that we are using?

Derek Wind: Okay. That would be another thing that could be discussed in the design discussion-

Councilmember Fletcher: What's the limitation behind it? I mean we haven't heard great success with solar. We do now I mean our solar lights work great on our streets but it was a rough road starting out.

Derek Wind: Sure. I know it's very common application, but I think we'd have to talk to the landscape architect about any details.

Councilmember Bevers: The bids are pretty far apart, are you comfortable to have both bidders had accurate information? One thing that stood out in particular is the live oak tree. The low bidder bid \$2,000, the other bidder bid \$18,500 so there is obviously a huge difference.

Derek Wind: Right. We did approach the low bidder about that and we asked him very directly on specific items as well as a whole. They are reputable, they are bonded all those things and they said they are comfortable with their bid so I expect them to honor their prices and be able to do the work.

Councilmember Bevers: Is there a plan for a signage at this intersection?

Mr. Smith: At this point in time there is no signage plan.

Councilmember Bevers: But that would be good to look at in the future?

Derrick: Yes, you are correct. It was discussed about signage on the east side of I- 45 just as a whole and so I do believe the signage is something that we can bring back.

Mr. Frazer: Under a separate agenda item where it would be appropriate to discuss.

Councilmember Bevers: That's a landscaping item.

Mr. Frazer: Not really.

Councilmember Bevers: There is a cash allowance for electrical workers and that we can accomplish our plugs for angels and another Christmas and other decorations in that I would assume, hopefully.

Mr. Smith: Yes. I think the cash allowance is enough to handle that. It was thought through once we get final plans then we will be okay.

Councilmember Bevers: Okay.

Mayor Wheeler: Any more discussions?

Mr. Smith: Since this question was asked earlier I will go ahead and give the answer now because it will probably come up next time. We are probably six to eight weeks away from the poles coming in from Energy so this is at least a two and a half month project.

Mayor Wheeler: You are all going to make Jason fall over his chair in a minute.

Mr. Frazer: What's the next agenda item?

Mayor Wheeler: Can Derek go and sit down. Anybody got anything else? Thank you, Derek.

Derek Wind: Sure.

Mayor Wheeler: We had a motion, we had a second. We had some discussion--

Councilmember Fletcher: We need to amend the motion?

Mayor Wheeler: I don't think so. It just says award a contract so we can have design come back.

Mr. Frazer: If you want the design to come back, I think you should make that clear in your motion.

Mayor Wheeler: Yes. I don't even remember who made the motion. If you want to be honest.

Councilmember Bevers: Is there a reason? I guess--

Mayor Wheeler: Was that you? Did you make the motion?

Councilmember Bradt: Yes. But I'll amend it.

Mayor Wheeler: Would you state that for the record?

Councilmember Bradt: Yes. For the record what the amendment is?

Mayor Wheeler: Yes.

Councilmember Bradt: To include the design feature at a later date.

Mayor Wheeler: To come back to council.

Councilmember Bradt: To come back to council.

Mayor Wheeler: For approval.

Councilmember Bradt: For approval.

Mayor Wheeler: Do we have a motion, we have a second, all in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0.

15. Consideration and possible action to approve street lights at David Memorial Drive phase I extension. (1:11:09)

Mayor Wheeler: Item 15. Consideration and possible action to approve street lights at David Memorial Drive phase one extension. You have a motion?

Councilmember Fletcher: So moved.

Mayor Wheeler: Mr. Fletcher beat you to it so we have a motion by Councilman Fletcher we are going to call it a second by Councilman Bradt, meanwhile. Do we have any discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0.

16. Discussion and possible action to approve engineering for Tamina Road and David Memorial Drive intersection improvements. (1:11:39)

Mayor Wheeler: Item 16. Discussion and possible action to approve engineering for Tamina Road and David Memorial Drive intersection improvements.

Councilmember McLeod: I make a motion to make the improvements at Tamina Road and David Memorial.

Mayor Wheeler: Do I have a second?

Councilmember Bradt: I'll second.

Mayor Wheeler: So we have a motion by Councilman McLeod, we have a second by Councilman Bradt. Do we have any discussion?

Mr. Frazer: Mayor, if we could get clarity. I believe the motion would be to approve the engineering not to approve the improvements as stated.

Mayor Wheeler: Correct. Is that what you said?

Councilmember Bradt: Mike?

Councilmember Bevers: That's how the agenda is written.

Mayor Wheeler: Yes. The agenda is that you are just approving the engineering.

Councilmember McLeod: Yes: Whatever the agenda said. Maybe I just need to study that so I can start saying that.

Mayor Wheeler: We had a motion to approve the engineering, we have a second, do we have any discussion?

Councilmember Bevers: There are a couple of other items on the engineering proposal that were not, I guess were not proposed to be included, are those coming back at budget time for us to consider?

Mr. Smith: They certainly can. Those were actually more I believe some of the long term MDD projects that were discussed. What we're initially looking at is just the intersection at David Memorial and Tamina. There is discussion through MDD to look at that entire corridor from Tamina

Road from David Memorial all the way to I-45 feeder road and then underneath the feeder road as well. Those would come back separately.

Councilmember Bevers: I would add that one of the separate items on the proposal was traffic counts. I think the more data that we have the better.

Mr. Frazer: Councilman Bevers, this agenda item is limited to the intersection.

Councilmember Bevers: The proposal that's in the agenda item.

Mr. Frazer: No, it's limited to the intersection.

Councilman Bevers: Okay.

Mayor Wheeler: Do we have any more discussion?

Councilmember Raymaker: Can we get kind of a walkthrough of what these changes would be?

Mr. Smith: Yes. The changes are dealing specifically with eliminating the double left turn from Tamina Road going north on David Memorial as well as changing the double right turn from David Memorial going south turning west onto Tamina. Those are the two specific improvements that we are trying to address with this. This is just to make sure that that concept works from an engineering standpoint and then there will be striping, remarking as well as resignalling that will be required.

Mayor Wheeler: Anymore discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries, 5-0.

17. Consideration and possible action regarding annual criminal background checks for all City employees. (1:14:56)

Mayor Wheeler: Item 17. Consideration and possible action regarding annual criminal background checks for all city employees. Do I have a motion?

Councilmember Raymaker: So moved.

Councilmember Fletcher: Second.

Mayor Wheeler: I have a motion by Councilman Raymaker. Second by Councilman Fletcher. Do we have any discussion?

Councilmember Bradt: Just a question of the advantage of doing this. I wonder if Mr. Raymaker can elaborate on that and if there's any additional expense to the city? I mean is it absorbable?

Councilmember Raymaker: It's something that's run by our police department. Correct Raymond? The criminal background checks?

Chief Shaw: Yes. We do this annually and the police officers will find out if anybody's been arrested for anything like DWI or anything like that. The expenses are going to be minimal. It's going to be an officer sitting back there at the computer pulling these up.

Councilmember Bradt: I didn't know that's why I asked.

Chief Shaw: It's going to be his time for however many employees going back as far as however far the council wants them to go back. They want them to go back 10 years or go back forever or whatever. Because you can set the perimeters of that.

Mr. Smith: There should be no reason to go back other than the one year. Because we do the exact same background check prior to anybody being hired.

Councilmember Bevers: Would the results of this background check be subject to a public information act?

Mr. Smith: Yes sir.

Councilmember Bevers: Chief, how long would each of these take approximately? Any idea?

Chief Shaw: Punching their driver's license number into the computer?

Councilmember Bevers: Very quickly?

Chief Shaw: You have to wait for about 90 seconds.

Councilmember Raymaker: When we run the current checks at employment, how far back are we going?

Chief Shaw: It goes back, lifeguards we use a different system on them. When I hire a police officer I use a different system for them too because that's run through the state through the national criminal computer. It goes back probably 15 years on most of these people. Some of the lifeguards that's how old some of them are. They are just barely over that.

Councilmember Fletcher: The typical search just search the State of Texas or is it a nationwide search?

Chief Shaw: Like I said, the police officers are all a bit different than what you all are probably really asking us for. It is just to see if they've been arrested here for the last year for us I can do a national check too-- it just depends on what you're looking for. That's what I'm asking you for. Your guidance on what you all want to do.

Councilmember Raymaker: Have we not done a national check before?

Chief Shaw: When they are hired, yes.

Councilmember Bevers: Under our current policy, do we have the discretion to run one of these checks if we have reason to suspect there's a DWI or something like that?

Mr. Smith: I'll have to check this policy specifically. I think we do if we have suspicion or we have information that an individual has had that.

Councilmember Bevers: One of my concerns was, it was partially voiced by Darrell tonight about identity fraud or somebody-- something could hit on a background check that wasn't-- it's not accurate information and now will the employee they would get the added benefit of being alerted but they'd also have the added negative of that information being public through a public

information request at the city level that our employees will be subject to additional burden of correcting that identity fraud that they wouldn't be subject to otherwise.

I would lean towards absent of a pressing reason or something recent or an issue where we think we need this. I don't think I'm in favor of it. I would be interested in the department heads if you all have any views from an employee's standpoint.

Ms. Calvert: From my standpoint, I would just like to know what's spurring that on. Are we concerned about some of our employees? Are other cities doing this? Is this something that's common in the workplace to do annual background checks on all employees, what are the benchmarks on those? if we have those then I don't have a concern on that.

Councilmember Raymaker: I know but I was thinking about it was discriminating against the police specifically. You're checking police officers but you don't check anybody else. Why would you just limit it to one particular class of employee?

Chief Shaw: We do it because they operate motor vehicles. Yes. That's one thing too.

Councilmember Bevers: They're also sworn to-

Chief Shaw: Right.

Councilmember Bevers: -protect the constitution-

Chief Shaw: That's the other thing so, yes.

Councilmember Bevers: They can take away life and liberty --

Chief Shaw: If you have someone that's going to be operating a city motor vehicle, then they come up and get into a wreck. If they have a couple of DWI's on, there's going to be a problem, probably.

Mr. Smith: Yes, and correct me if I am wrong. Every year is not city policy, the every year is TPCA Recognition requirement.

Chief Shaw: That's correct.

Mayor Wheeler: I just like to say that if we're going to do annual criminal background checks for all city employees, I think that we as council members qualify as city employee since we take a check. We need to be ready to do annual background checks as well.

Chief Shaw: And if we're going to do that, I'd prefer that they fill out a release form before we do that.

Mr. Frazer: You would need to have that done. I think the other thing you need to consider is if something shows up, what's acceptable and what's not. I mean, you're opening a door here that you need to have some parameters around as far as what you're going to do with it once it's open.

Councilmember McLeod: Agreed. I have a legal question. If we were to contract this out, I know a lot of places do that because we don't have access to that, it's like \$35-\$40 a hit, would then those records be subject to open records as well?

Mr. Frazer: Yes.

Councilmember McLeod: Okay. The results of that would be details and everything?

Mr. Frazer: Yes. It's all open record.

Councilmember Fletcher: They're open records now, it's all public information.

Councilmember McLeod: That's true.

Councilmember Fletcher: If you want it you can go pay for it for five bucks and get the same report that he's going to get. I mean, in a standard operating procedure in my business they get it every year.

Councilmember Bevers: Yes. Other than being hired, I've never had one in terms of an on-going employee relationship.

Mayor Wheeler: Okay. So we had a motion, we have second, we've had a discussion. Do we need any more discussion?

Councilmember McLeod: This is the first time we're hearing this, is that correct?

Councilmember Raymaker: Yes.

Councilmember McLeod: I would propose, suggest whatever that given our current practice that we hold off on voting till the next meeting, just to allow the public to have the opportunity to read our thoughts and have gotten our desires. I have no problem voting with this next meeting even though it's technically a workshop, but I just want to give the public an opportunity to--

Councilmember Raymaker: Agree.

Mayor Wheeler: Would you like to amend your motion?

Councilmember Raymaker: We can table it until our next meeting.

Mayor Wheeler: Okay. Do we have second for the table?

Councilmember Bevers: Second.

Mayor Wheeler: Okay, we will table item 17, Consideration of possible acts regarding Annual Criminal Background Check.

Mr. Frazer: Mayor, you need to vote on that?

Mayor Wheeler: Oh, that's a good point, Yes. All in favor?

Council: Aye.

Mayor Wheeler: Any opposed, nay, motion carries 5-0 to table item 17, and Greg if you will note to bring that back on me the next agenda, yes?

Mr. Smith: I will...I have one clarification question. I've heard two different things, are we bringing it back to discuss it or we're bringing it back to discuss and possibly act upon it.

Mayor Wheeler: We will bring it back to vote on it.

Mr. Smith: Okay, That's all I want to make sure, thank you.

18. Consideration and possible action regarding a three way stop at the intersection of Grogan's Mill Road and Wellman Road. (1:24:07)

Mayor Wheeler: Okay, Item 18, Consideration and possible acts regarding a three-way stop at the intersection of Grogan's Mill Road and Wellman Road.

Councilmember Raymaker: So moved.

Mayor Wheeler: Do we have a motion to approve, do we have a second?

Councilmember Bevers: What are we approving?

Councilmember McLeod: Yes.

Councilmember Bradt: I'll second this-

Councilmember Raymaker: Just for discussion, please.

Mayor Wheeler: We're seconding a three-way stop sign at Grogan's Mill Road and Wellman Road is what we're motion and seconding. We had a motion by Councilman Raymaker with the second by Councilman Bradt. Do we have any discussion?

Mr. Smith: If I may-- interject here real quickly. Without the City Attorney telling me otherwise, we don't have the authority to do this. The two-way stop is not in our jurisdiction. Grogan's Mill and the two places we want a stop sign is not in the city's jurisdiction. Back in 2016, we requested to study to see if they would put in a stop sign. The study is attached, we could certainly ask them to update the traffic counts and see if Wellman Road now meets the criteria for stop sign, but I do not think we have the legal ability to go in on a county right away and put in a three-way stop sign when two of the three legs are not in our jurisdiction.

Councilmember Raymaker: Yes, definitely we'd like to talk about them doing another traffic study to see if it merits because we saw an increase from one study to another of 35% on the traffic flow. What we really do need to do though is write the county commissioner a strong letter saying that we would like this to happen and if move through them and see if we can get something done. I understand that it's not ours alone to make that call-

Mr. Frazer: Councilman Raymaker, if you want to bring this up in Council inquiry that's fine but this is about the city putting a stop sign in-- We're off the agenda.

Councilmember Raymaker: And who owns it isn't germane then or how we can address it isn't germane?

Mr. Frazer: The agenda item is succinct and it says to possibly put a three-way stop sign, and it's not about addressing it with the county. If you want to bring it up during council inquiry that would be the appropriate spot to address that.

Councilmember Raymaker: All right, it will be a long council inquiry though, just so you know.

Mayor Wheeler: Okay, do we have any more discussion about a three-way stop sign at the intersection of Grogan's Mill Road and Wellman Road?

Councilmember Bevers: I could tell you that, it passes the eyeball test in terms of its warranted. I think it's needed, I'm certainly not want to disregard engineering studies. I'm not sure that the current study or the most recent study that was done accounted for pedestrians appropriately. I've heard from several residents that they are concerned with-- they want this three-way stop for pedestrians specifically. When I'd walk there, that would make me feel better. I would like to see this come to fruition, I would like to say the city take whatever steps we can to make it come to fruition.

If it's not warranted today an annual program of taking traffic counts or having our representative do the study instead of the county engineer and may be one avenue but I'd like to see this take aggressive steps to get a three-way stop sign at this intersection.

Councilmember Fletcher: Is it inappropriate for the city to- it will probably kick me to council inquiry here, but would it be inappropriate for the city to make a recommendation that a stop sign be placed there and offer to pay for it?

Mr. Smith: The cost I think is irrelevant. I think to Byron's point is very specific. To put a stop sign you have to have warrants. There are certain codes that are required for a stop sign. Again, in 2016 it did not meet the warrants. That does not mean like I said in my first statement that we could not request that study to be done again. That also doesn't mean that we couldn't hire blow an engineer to do the exact same warrant study independent to the county and if his presents that it is warranted, then we present that study for the county to approve or disapprove. We have a couple different options on how we could get to a three-way stop sign in my opinion.

Councilmember Raymaker: How did you approach that the last time we had a traffic study?

Mr. Smith: We actually went to the county commissioner as you said, wrote a letter, and followed up with him. He agreed to have the county pay for the warrant study. They can't give the warrant study and came back with the results.

Mayor Wheeler: Okay, do we have any more discussion?

Councilmember Bevers: Well, I'm still confused about what we're voting on. We're voting-

Mayor Wheeler: We're voting on whether or not to put a stop sign-

Councilmember Fletcher: That we can't.

Mayor Wheeler: That we might not be able to-

Mr. Frazer: The City Attorney is not going to disagree with the statement that Greg made. The City does not have the authority to put the stop sign on the county right away, so I know you have a motion and a second but if you proceed with that action, it would create other problems.

Mayor Wheeler: I don't disagree with you.

Councilmember Fletcher: If there was any action to be taken anyway. I think it was just an item for discussion.

Mayor Wheeler: Consideration and possible action.

Councilmember McLeod: So what, you can withdraw the motion.

Mayor Wheeler: Would you like to withdraw the motion and we'll talk about it in the council inquiry?

Councilmember Raymaker: Wait, my document doesn't say discussion or action, it just says three-way stop signs so I probably should have said discussion.

Councilmember Fletcher: On the recommended action there is nothing in my agenda.

Mr. Smith: The agenda is what you look at not the agenda report.

Mr. Frazer: Now the agenda report says considering impossible action regarding a three way stop sign at the intersection of Grogan's Mill road and Wellman road.

Councilmember Raymaker: It wasn't my intent to have it be a possible action today anyway but-

Councilmember Bradt: Then withdraw the motion.

Councilmember Raymaker: I'll withdraw then.

19. Consideration and possible action regarding a dedicated right turn lane from Grogan's Mill Road to Research Forest Drive. (1:30:52)

Mayor Wheeler: Okay, moving on to item 19, consideration and possible action, so this could be a voting item, regarding a dedicated right turn lane from Grogan's Mill road to Research Forest Drive.

Councilmember Raymaker: Well, I can amend that to discussion only.

Mayor Wheeler: Please don't make a motion.

Councilmember Raymaker: All right.

Mayor Wheeler: Greg, you want to give a presentation on this?

Mr. Smith: Sure, so the request that was brought up was to put in a dedicated right hand turn lane from Research Forest turning south bound, excuse me, north bound on Grogan's Mill. That intersection again is no support of that intersection is located within the corporate city limits of Shenandoah. We have no authority to do that. We can certainly request it and certainly work through Commissioner Noack on that particular intersection but as a little bit of history on this is there was a complete study down at South Montgomery County and that study is attached to your packet. There were three considerations for that intersection, one is an overpass which the city totally has opposed since the beginning.

There was another suggestion to take that from a four controlled section intersection into a one major intersection to where all the traffic would use the same signals instead of four different ones. That recommendation or that consideration was opposed by The Woodlands Township so the only recommendation in the South Montgomery County study was an underpass. The cost of an underpass is considerably more expensive. There were three considerations, since that county study has been presented. The Woodlands township has met with the city specifically Chairman Bunch, invited both mayors of Oakridge and Shenandoah, as well as both city administrators and their President Don Norrell to a meeting.

This intersection was discussed and the single point intersection was addressed and that information was received by me from HDAC and forwarded onto The Woodlands Township for

consideration. I think there will be movement on this intersection exactly what it is I do not know. With the interest of the council does have the interest to look at that dedicated right hand turn lane? I think that could possibly spark some additional interest either from the county and or the Township to see what can be done at that intersection.

Councilmember Raymaker: I'd like to see us write a letter again, that might be two commissioners at the intersection for all I know, but to be able to let them know that we'd like to have something like that at that intersection.

Mr. Smith: Okay.

Mayor Wheeler: If I can, what I would tell you Ron is that after being in those two meetings and having a couple of other conversations with Gordy Bunch and I can't remember who the other was that cornered me, one of the other directors. I think if we ask for this right hand turn lane what they're going to come back with is that we're opening the door for an overpass. Whereas what I think would accomplish what you are trying to get done then would accomplish what would be better for the city is instead let's keep pushing that single intersection so that we don't continue to have the rex there that we have any way at Grogan's Mill and Research Forest because we all see those.

I think if we all keep pushing this right dedicated right hand turn lane what they are going to come back and say is, "Oh, look even Shenandoah thinks we need to have an overpass here." I like the concept to where you're going but I think we'd be better served if we try to push the intersection agenda that we've already talked about.

Councilmember Raymaker: Definitely not inviting an overpass.

Mayor Wheeler: No.

Councilmember Bevers: Surely, we can make it clear that this would be a really considered as a stop-gap measure until we can achieve the single intersection. I mean last week I was driving north on Grogan's Mill and south bound cars were backed up to those Dulcimer Woods waiting to get to the intersection. It was absurd how far that line backed up. It's certainly not in our city limits but it's certainly our residents that are sitting in that traffic as well as others. I would like to see us push this forward as a stop-gap measure to provide some relief in that intersection.

Mr. Smith: I want to make sure I understand your statements correctly and make sure we are talking. You are saying traffic was backed up on Dulcimer?

Mayor Wheeler: Coming south on Grogan's Mill.

Mr. Smith: Coming south on Grogan's Mill. Ron, what you're asking for is a dedicated right hand turn link from Research Forest on to Grogan's Mill, correct?

Councilmember Raymaker: No, no. From Grogan's on to west bound Research.

Mr. Smith: Thank you. I had that incorrect. I will begin drafting letters to proceed forward.

Councilmember Raymaker: Thanks.

Mayor Wheeler: Can we bring the letter back in front of council to vote on, make sure that we are all in agreement of what we're sending?

Mr. Smith: That was my plan.

Mayor Wheeler: Okay, just checking.

Mr. Smith: Start the process.

Councilmember Bevers: Yes, when we are asking for things I'd like to have an idea. If we are going to ask I think we need to be prepared to fund so that to have an idea of what the cost would be. Could you work on that?

Mayor Wheeler: Any more discussion?

20. Consideration and possible action to ratify the accounts payable for the month of May 2017.
(1:36:59)

Mayor Wheeler: Nope, let's move on to item 20 then, consideration of possible action to ratify the accounts payable for the month of May 2017.

Councilmember Bradt: So moved.

Councilmember Fletcher: Second.

Mayor Wheeler: So I have a motion by Councilman Bradt, seconded by Councilman Fletcher, all in favor, do we have a discussion?

Councilmember Bevers: I would like an accounting for how much we've spent with the HouScape lawsuit to date. There's a big one that we're approving with this one, but just to look back and see what we have already approved.

Mayor Wheeler: Duly noted, anymore discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries, 5-0.

21. Consideration and possible action to approve the minutes of the regular workshop meeting on March 8, 2017, the regular meeting on March 22, 2017, the regular workshop meeting on April 12, 2017, the regular meeting on April 26, 2017, the regular workshop meeting on May 10, 2017, and the regular meeting on May 24, 2017. (1:37:43)

Mayor Wheeler: Item 21, consideration and possible action to approve the minutes of the regular work shop meeting on march 8th 2017, the regular meeting on March 22nd 2017, the regular workshop meeting on April 12th 2017, the regular meeting on April 26th 2017, the regular workshop meeting on May 10th 2017 and the regular meeting on May 24th 2017. Do I have a motion?

Councilmember McLeod: I make a motion to approve those, I've got some changes on the March 22nd meeting so how are you going to handle that?

Mr. Frazer: It would be easier if you can make it a motion to approve the ones that you don't have changes to and then trust the changes individually before you make the motion on the one that's left over.

Councilmember McLeod: Okay, all right so I'm going to make a motion to approve March 8th, April 12th, April 26th, May 10th and May 24th.

Mayor Wheeler: All but March 22nd?

Councilmember McLeod: Yes.

Mayor Wheeler: Do we have a second?

Councilmember Bradt: I'll second it but I've got some discussion.

Mayor Wheeler: Do we have a discussion?

Councilmember Bradt: Well, the way the motion is stated I could possibly vote for the May 24th but I'd have to abstain on the earlier ones because I wasn't part of the council at that time.

Councilmember Fletcher: That would be my case as well.

Councilmember Bevers: My understanding was that Bill advised that we could rely on the council members who were here previously and still vote.

Councilmember Bradt: But then you're abstaining on the 24th as well.

Councilmember Bevers: We are not required to abstain.

Mr. Frazer: You are not required to abstain, I mean you can rely on the representations to vote.

Councilmember McLeod: All you're doing is making it official?

Councilman Bevers: I'll vote for it.

Mayor Wheeler: We have a motion, we have a second, do we have any more discussions?

Councilmember Raymaker: Yes, I think it was just in the March 22nd one, that there were a lot of references--

Mayor Wheeler: We're going to get back to the March 22nd. It's not in this motion.

Councilmember Raymaker: Sorry.

Mayor Wheeler: It's okay. Just wanted to clarify. All in favor of approving the minutes for the regular workshop meetings on March 8th, April 12th, April 26th, May 10th and May 24th, all in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0. Do we have any other motions?

Councilmember McLeod: I make a motion to approve March 22nd with some following changes, on page 12 as Councilman Raymaker was talking about throughout the document, the transcription obviously said pit, P-I-T, and it really should be all capitalized P-I-D and that sort of-- I found several, I think we corrected several already but I found some page 12, Clark Lord yes in general, no we can create this PID, P-I-D, that's one.

Also on page 12 Councilmember McLeod, this is one that I actually keep bringing up as an example so we maybe can fix this. It says, "How do we handle indemnifying the city? I did a bunch of digging." And they go on to describe what's going on there. Page 13, Councilmember McLeod - finally a question that maybe more for Greg, again this is for the developer. One of the major things that we use PIDs for. Again later on in that same section, one of the reasons we're issuing a PID is; I've got these typed, you're welcome to have these--

Mayor Wheeler: Are those the ones that we were going to--

Councilmember Raymaker: Yes, on the 22nd. Yes. He's captured all the PIDs.

Mayor Wheeler: We have a motion to approve the March 22nd minutes with the correction of PIT to PIDs where applicable. Do we have a second?

Councilmember Bevers: Second.

Mayor Wheeler: I'll say that these will be probably easier on Kathie if we can get them in ahead of time before the meeting and then that way be in the agenda packet. I get it, we're all busy. I'm just stating it for the record that, if we can get them in ahead of time then she can get them in the agenda packet we can just vote on it as it is. Trust me, I fully understand. Any more discussion? All in favor?

Council: Aye.

Mayor Wheeler: Any opposed?

Councilmember Bradt: I'm going to abstain.

Moderator: Motion carries 4-0 with one abstention.

22. Consideration regarding the monthly accounts payable process. (1:42:44)

Mayor Wheeler: Item 22, consideration regarding the monthly account payable process.

Mr. Smith: Council, I put this on the agenda just to get clarification from this council on the accounts payable and some things that do come up occasionally. Purchasing policy give department heads \$5,000 approval. So, the administrator has \$15,000. Anything over \$15,000 has to come to the City Council. The question comes, we do POs on a quarterly basis, six-month basis and in some of them even on an annual basis.

Previous councils have said if it's a normal day to day operation like the electric bill, that PO is approved by staff. Does council want to see anything over \$15,000? Another prime example is legal fees to Byron's question earlier on the HouScape lawsuit, there is X amount that we get billed on a monthly basis for that service. Do you want to see those invoices and approve those invoices individually, or do you want to deal with them and ratify them on the accounts payable not to put an additional anywhere from five to potentially 10 items that you guys are approving that are routine in nature?

This is really what the new council just wanting to do it the way council wants it to be done? This is a discussion only; we can certainly put it on the next meeting if we want to or put it here for discussion.

Councilmember Bevers: I think we should give you as much clarity as possible and we should be considering this through a review and possible change of the purchasing policy. It's not codified necessarily but it's explicit on what expectations are. I think that would probably give you good direction.

Councilmember Raymaker: I would like to see something where it was always more than one person approving. A workflow where everything is approved by you. We should probably have somebody under you put in that and do the initial approval and you do the final approval rather than one person just doing all of that.

Mr. Smith: We'll bring all of this back, but that is the current policy. If it's a PO of \$5,000, typically an administrative assistant or somebody in the department will enter it and then the department head will approve it and it goes through. In purchase from five to \$15,000, the department head approves it then I approve it and it gets done. We'll bring this back with what you asked for and give you work process. I think Jennifer may have something.

Ms. Calvert: What I was going to say, when you and I were looking at some of the purchase orders and approvals, what happens is that when Greg's authority-- there are stair step levels, he has authority over all of it. He would have to go in there and uncheck every level because he's a system administrator in order for it to show all that. When he's approving, he is selecting the PO and he's approving it and that over-rides the other levels that have already approved it.

Almost all-- I think every department had always approves their own POs but when he goes in to approve it over our level, it over-rides our approval so you just don't see it. It's going to be--

Councilmember Raymaker: It's just strange that you don't see it.

Ms. Calvert: Well, it's going to be up to him to go in there and specifically uncheck every level and that can be time consuming. And if he's doing it on his phone, we can't uncheck specific levels.

Councilmember Bradt: So it's a software issue?

Mr. Smith: With the request that Byron has and the comment that Ron made, bringing this back we can try to iron all of that out and deal with it all at one time. Yes, there will be some limiting factors in the documentation because of the way the Incode software works. But we can discuss those I think when we go through that process.

Councilmember Raymaker: When I-- what I saw was, "Oh, that doesn't look like an audit trail at all, it looks like one person." That's probably then the limitation of the software but we want to make sure that we are not doing that.

Mr. Smith: Yes sir. Until we have resolution on bringing this back--

Councilmember Bradt: You've got anything outstanding right now that needs attention?

Mr. Smith: They come up periodically. We don't necessarily know when they are going to happen. It's like the police department fuel. Until they added the storm fuel, it wasn't over \$15,000. Once they added the storm fuel, it then put it over the \$15,000 threshold and that's why you saw for the first time the police department fuel bill. Because the quarterly fuel bill for the police department without the storm bill, storm fuel does not go to over \$15,000.

Mayor Wheeler: Any more discussion?

23. Consideration regarding the sign ordinance. (1:48:15)

Mayor Wheeler: We'll move to item 23 which is consideration regarding the sign ordinance. Mr. Raymaker this one's yours so I will let you kick it off.

Councilmember Raymaker: It's a pretty easy one. It's for open houses to have a directional sign. We may have to put a limit on how many but if you are coming up Wellman and you're trying to find out on the spur of the moment if there's an open house, I don't think that on the day of the open house that it would be overly burdensome to allow those signs.

Councilmember McLeod: So, you're asking for off-premises signs?

Councilmember Raymaker: Yes.

Councilmember McLeod: Because we addressed the on-premise so off-premises so that would be either in some other individual's private property or in the city right of way.

Councilmember Raymaker: Correct.

Councilmember McLeod: I think I would be opposed to that. Google's got us pretty well mapped and between the realtors and that, it starts opening this can of worms that if you walk down, drive down the Louetta, drive down 1960, it's this visual trash and we work pretty hard, the sign ordinance is by no means perfect. We've got a lot of things we've got to get fixed on it. I can't think of any off the top of my head though.

Councilmember Raymaker: It wasn't that long ago you didn't have an open house sign in your yard.

Councilmember McLeod: Right. Like I said that's my personal opinion on the off-premises. Because who's responsible for putting it out, taking it up. We regulate garage sale signs, we regulate free bunny signs we regulate...it becomes another exception and I want to know, again, in this day and age you should be able to use your phone to find a house.

Councilmember Raymaker: That's if you happen to be using that method to try to find the house, but you might just be exploring the area and you're not looking for an app that has open houses on it.

Councilmember Bradt: So, I'm looking at it from a marketing standpoint, from a realtor that this is going to have an open house. That if they had an open house for the directional arrow, say at the entrance of Research forest on Holly Hill, and then long down Thornwood pointing towards the open house. It's possibly two signs, if we had them for say, in possibly a permit or permission of somehow, Greg, for a one day deal, they'd have to pick up after the open house is all over. Is that objection. I'm just trying to think from a realtor standpoint.

Councilmember Raymaker: Yes, and I'm thinking can you cap it at one particular sign, okay here, into the subdivision. You live in the Reserve off of Grogan's Mill and would you turn in there into that circle? Maybe, maybe not. Maybe you don't even have the opportunity depending on the time of day, but just the same people that are trying to market those houses, it'd be nice to say "Hey, there's an open house in here", and as long as it's within a couple of hours of the open house. One directional sign in there, not like you're putting one over Research Forest saying, "Open house", and another one at Wellman saying, "Open house."

Councilmember Fletcher: Having employed many realtors in the past as an employer, I can tell you they're not going to leave their open house signs out there for a very long period of time. One, it's a

cost to them and realtors, most of them, do watch their dimes and nickels very closely because they like to use those open house signs over and over again. I don't think it's going to become a 1960 eyesore with a thousand signs. I think most of the time, most realtors actually piggy back off open house signs, but if they have one down the same street and there's one sign out they took it we don't put another one out.

I don't know, while I appreciate many of the ordinances that we have, in many cases think we're overregulating many of the things that we do have or that we do regulate. Just my personal opinion. No more than putting the balloon out on your open house sign to say "Hey, this is where it's at." I don't think that's a major issue or eyesore.

Mayor Wheeler: And I'd be okay with that in the specific yard where they're having the open house. I think the challenge you run into when you allow open house signs outside of that yard is you're expecting these people to know where, first of all, the city right of ways are to put the sign in. And I can tell you from somebody who lives on a corner lot. I'd be pretty mad if I came home and somebody planted a sign in the front of my yard with an arrow pointing down the street. And they may think it's an easement, but really it's my front yard.

I think what we're going to run into is-- an unintended consequence of this could be that we end up having people putting signs in residents' yards because they think all of a sudden "Oh good, I can have an open house now" and when people come in off of Holly Hill and then they take a left onto Shenandoah Drive and then they take a right onto, and somebody is going to get a sign on their yard before it's all said and done. That would be my concern, is it as a resident I walk outside and somebody's got a big open house sign in my front yard.

I'm not overly opposed to it in a public right of way, but then you get into how many of them do we let them put up, how many can be in one right of way at a time because then we get into Mike's point what if there's three or four, how big are they, what do they say on them, and the color.

Councilmember Fletcher: And most of these realtors are out of The Woodlands area, and so they're pretty regulated in the Woodlands.

Mayor Wheeler: Yes.

Councilmember McLeod: One realtor sees a sign and so they just put their sign up, they don't go get a permit for it. So now we have a bunch of unpermitted open houses signs.

Councilmember Bevers: That happens today.

Councilmember McLeod: I agree, but today we deal with it.

Mayor Wheeler: We just pull them up.

Councilmember McLeod: We pull them up because none of those signs could never be permitted, so we know they're wrong.

Councilmember Bevers: I mean, we're really talking about instead of pulling it up at 2:00 PM, maybe pulling it up at 8:00 PM. They go out, there's no realtor that I've met that's an expert on our sign ordinance. They go out, and put them out, we take them up, so it's really just a matter from when we catch it. Just a few hours that we're talking about. I'd be for it.

Councilmember Raymaker: Yes, a neighbor had an open house. We're having a shrimp boil, and as I'm walking over there "Hey, there's an open house" and she had the sign out at the street, and I

stopped and I said "Hey, don't be surprised if your directional sign disappears." and she hustled out there and she got it right away, but it would've been helpful for their turn out to have had the sign there the whole time.

Mayor Wheeler: Chief, you got anything to weigh in on this? I'm just curious, I'm not putting you on the spot.

Chief Shaw: There's a lot of people, some of new homes just over-here in the new neighborhood, and I know they pay a lot for those little signs. For some reason, I guess they get busy at the end of the day, but we end up picking up a lot of them at the end of the day. Because some of the guys get busy, and are running calls. We'll come down here and drop something off the office and I'll ask them what happened and they're busy. It's Saturday, and they're running calls.

You go out and you pick up signs for them and ask them why didn't they get them, they'd just been busy and the realtor's already gone because you'll go by there and try to drop them off with them. They're already gone, they just left the matter for Sunday, too. So, I drop them off at the back-door of the office and I don't know what they do, if they throw them away or take them back over to them. So, they're not allowed to have them right now, they still do it.

Mayor Wheeler: I'm not putting you on the spot.

Chief Shaw: But you are.

Mayor Wheeler: Would your opinion be they would get better or worse if we amend the sign ordinance?

Chief Shaw: You mean if you permitted it and let them, have it?

Mayor Wheeler: Yes.

Mr. Smith: So, if I can make a suggestion. If you are going to make them permitted, they're not going to come in and permit it. That's a fact because a real estate agent, if they have a Sunday afternoon open house from two to four, they're not going to think to come to city hall, get a permit on Thursday-Friday beforehand, so then we're going to have "Is it permitted or not permitted." I think if you want to allow directional signs for open house, allow them. If you don't want to allow them, don't allow them.

I don't remember which council member said if we're going to overregulate this thing, you are going to end up having a fifteen-page-document on directional signs for open houses. That's just my opinion, if we're going to allow them, allow them, if we're not, we're not. If you try to put numbers into it, now the police officers are going to be like "Okay, whose is this? It says open house." So, one realtor has an open house from two to four, another one has an open house four to six. If they see that sign at 3:59, is it to two to four or is it to four to six?

We're going to get ourselves into chasing our tails trying to figure out who it is. My opinion is we either allow them or we don't.

Chief Shaw: And if you're going to allow them, just allow them certain days and certain hours. That way the guys know that a certain hour just to pick everything up, and if they're still out, we'll take them or throw them away.

Mr. Smith: On balloons, I have to tell you we've had an interesting situation because it happened right down the street from my house. It's that they're not using just string on balloons tied that says,

your typical balloons you're thinking. They're actually bringing out those large inflatable balloons that plug in, that are electrical and it's a balloon, and it was Remax, it's their Remax balloon, and they're using it as an attention getter not just as balloons that are on strings, that are helium filled or whatever.

So, if we're going to go down that balloon I think we need to be real careful and define because when I made that statement, I saw several council member faces. No, that's not what we're talking about, balloons.

Councilmember Fletcher: Wouldn't that be classified as an inflatable not a balloon?

Mr. Smith: Well, again, the real estate agent sees it as a balloon because it's an inflatable balloon. The devil's in the details but I agree that putting up a regular balloon that are string helium filled that you buy at Party City, that's totally different than a inflatable attention getter, whether it's a balloon or a wavy hand or whatever.

Councilmember Raymaker: Yes, my intent was just the directional signs, not anything else. It's going to be distracting to people, once they're driving by.

Councilmember Fletcher: Is it really that big of a problem in our city?

Mayor Wheeler: At least now, we could pick them up.

Mr. Smith: I'm going to guess on an average weekend you have anywhere from two to six open houses, so you figure they put signs on every corner. I have seen an open house that they had a sign on Wellman Road and I-45, Shenandoah Drive and I-45, Savannah and Research, Holly Hill and Research, and then had signs at every single corner between all three of those intersections into Shenandoah Valley to get to the house.

Councilmember Fletcher: Did you find the house?

Mr. Smith: There was no doubt. There was no doubt, you found the house.

Councilmember Fletcher: Guess it worked.

Councilmember McLeod: I'll also say, I still think Shenandoah is probably the most desirable place to live, certainly in all of Montgomery Country, maybe in the State of Texas. It's a fantastic place to live and fantastic community and houses move really, really fast here, and so I don't know that we need to amend our sign ordinance, our way of keeping our city beautiful and keeping our city desirable in order for a particular realtor to sell one particular home. Our houses tend to move on and off the market very quickly. Just my thought.

Mayor Wheeler: Anymore discussion?

Councilmember Bevers: All right Greg, can you draft a proposed change we can think of? I'm in favor of changes for everything after 8:00 PM or 9:00 PM or 10:00 PM or after dark to pick them up. I'm just moving the needle a few hours in allowing our residents to give them an extra little hand and sell their houses. I assume they are buying another house in Shenandoah but anyway, I would be in favor of that.

Councilmember Raymaker: Yes, great.

Mayor Wheeler: Any more discussion? OK.

24. CITIZENS FORUM (2:02:31)

Mayor Wheeler: Item 24 is Citizen's Forum. We do not have anyone signed up to speak for the second Citizen's Forum.

25. Department Reports (2:02:43)

Mayor Wheeler: So, we will move into Department Reports. First department is administration.

Mr. Smith: Council, you see the report in front of you. You can see the Alcohol Permits, year to date was three special used permit one, one plat, one other and one withdrawal application. We did have 18 agenda items, year to date May, the last meeting in May only had one. Public Hearing Notices, you see that amount there, Facebook followers are 850. You see some of the post counts, obviously when you look at these information from Facebook, anything dealing with law enforcement does get the most traction especially with the unfortunate situation of what happened in Tamina; we did have a quite few followers on that.

The least amount of followers that we get is anytime we announce an event. Announcing events, we get basically zero hits on that but those are just the announcements. We are picking up, I think, some traction on when the PD does give us an information on traffic. When we do have an intersection or some back-up on traffic where an accident is, you will see those do track pretty well. You see the highlights on 'just the facts' that robberies had 1100, 'thank you for quilts for the kids' had 1900, the exclusive interview, 1500, the election canvassing was 804 and then you see the HazMat incident at I-45 and Tamina had 1000 followers.

So, I think we are getting some good traction off of Facebook. You see Twitter, I won't go in to as much detail what's there. Constant Contact, you do see quite a few increases in the Constant Contact and the number we're sending. Press releases, Shenandoah Business Association, we had three good contacts there as well as the grand opening of Katz. We are pleased to announce that we had no incidents where we had any major damage.

Injuries, we had two minor injuries in the month of May, those were both the officers from the fire over in Tamina with no lost time. Going back to when Chris came on board trying to better track what actually IT is doing. You will see 46 different service requests for IT and then you'll see some other projects that he was working with. Open records requests is still very pretty busy aspect of admin. You can see all of the open records requests from the month of May.

And then accounts payable, you see our accounts payable which you've already ratified. Council, do you have questions on admin or anything specifically for Kathie, Debbie or Chris who are all here?

Councilmember Bradt: That's all of the Department reports.

Mr. Smith: Yes. I think Council's request that each department would give their departmental report instead of just as a – Does council have any questions so you can just go down the line and call on the department head.

Councilmember Bradt: So, Joseph. Public Works? (2:07:27)

Mr. Peart: Just a few quick updates, things that have gone on. You may have noticed over the pool, we got and installed our water cannon for the aerator and from talking with Jessica, it seems like it's serving a dual purpose of one, cooling the pool but else is seemed like the kids are really enjoy

playing in the water stream from the cannon. You probably also noticed that the community signs were installed here recently. We put the flags in them for the upcoming 4th of July.

Also, quick update on the clarifier drive that we had to do an emergency repair on. A couple of weeks ago the project was finished, the clarifier is back on line and operational. We did have a little bit of a concern. There is a motor noise but the contractor, they came in and replaced the motor without any questions at all. If you have any questions about the monthly report, I'd be happy to answer.

Councilmember Bradt: Several people asked me just on the new information signs that they seem to be backwards. Is there a reason for that or--

Mr. Peart: Well, some of the--

Councilmember Bradt: It's a perception issue, I know.

Mr. Peart: Right. Some of the discussions that was had and the reason it was placed that way, it was presented that way on the drawings but also there was a discussion about reducing the potential for vandalism. If the signs were turned the other way, that provides a nice target for a baseball bat to destroy a sign this way, they're going to have a post.

Councilmember Bradt: Did we have a problem with the older signs?

Mr. Peart: There were some of our old signs that were vandalized and broken.

Mayor Wheeler: That's good thinking.

Councilmember Raymaker: That was a specific neighborhood though, right?

Mr. Peart: Yes. And on Wellman Road, the one that's closest to Grogan's Mill.

Mayor Wheeler: Thank you, Joseph. Council?

Mr. Smith: We accidentally skipped over Finance and Police on the bottom of the previous page.

Councilmember Raymaker: You're making me scroll a lot, you know.

Mr. Smith: I'm sure the next two would love to pass you over him but—

Councilmember Bradt: I'm sorry, that was my fault.

Ms. Calvert: That's okay, that's okay. So finance, when you look at sales tax receipts, yes we are decreases every month compared to the previous year. I do want to respond to a comment that Nancy Smith made about an \$800,000 deficit. Receipts don't correlate to budget. It may show here that we're heading for an \$800,000 deficit but we budget very conservatively for revenue. So far revenue wise, based on what we budgeted, we're trending to be on track. I can't give you an explanation for why sales tax is going down, it could be a multitude of things. I know several of our businesses are going through remodel -- Sam's, Portofino, other than that I don't have any explanation.

Mixed beverage revenue as you can see on page three, 2015 and 2016 was the first year we've had any increases in Max beverage revenue in quite a number of years. Thank you Pappasito's, we're back to where we should be. On page four you can see mixed beverage sales that almost everybody

has had a decrease except for Pappasito's and everybody is drinking less here and going to Pappasito's for margaritas but we're still in the black.

The control has changed that to where they will no longer provide an explicit detail on things and just like they've changed for the hotel occupancy sales tax, previously you could go on the controller's website and see all of that. They're really scaling back the amount of information that you can get without doing a confidential beverage request. On other revenues, we seem to be pretty much on track, you can see that we're 67% through the fiscal year and we've received about 67.25% of our original budget in revenues.

That's for general fund. We've had about 51% for hotel/motel and 63% for water/sewer. Our reserve balances, you can see on page eight, general fund right now has a reserve balance of about 4.7 that was as of June 14th, special revenue had about 1.9 million, water sewer 1.7 and MDD was at 3.4. That's pretty much all I have unless you have any questions.

Mayor Wheeler: Thanks. Chief?

Chief Shaw: Our calls are down for last month, our reports are just barely down for last month, traffic stops were staying about even, and they're just down slightly. AOR contacts, they're down just a little bit but the good thing is crime prevention forms have gone up so everybody is taking advantage of the crime prevention form and some people are taking advantage of the crime prevention tools on their houses, getting Joel to come out and look at them and see what they need on the windows, doors and everything like that which is good. That's picking up and that was after the meeting we had the month before.

Councilmember Bevers: Chief, there are those opportunities advertised on our website.

Chief Shaw: I don't know if it's on our Facebook but what we're trying to do is we're trying to put the command staff right now is we're getting together, putting something together so we can have our own Facebook page that'll have all that information on it and we're going to get it with Greg and Dave and everybody so we'll have our own Facebook page. It'll have that information on there, it'll be put together where everybody will look at it, be able to tell exactly what we'll offer and how to get a hold of us and let us know what they need.

There's not going to be an emergency page so they won't be coming up here and knocking on the door knowing that we're not here 24 hours a day. Just real quick, Shenandoah will conduct a 358 residential patrol and 840 commercial patrols for a total of 1320 hours. Joel Gordon did a great job last month of clearing up some cases. He's gotten with the DA's office and he's gotten some warrants on some of the suspects he's identified. There are some cases that were left over from when Hulse was here, Detective Hulse was here, and they just didn't have any lead or anything and those were just clogging the system up and he did a really good job by getting some of those pushed out that were just holding back. Now that he's got those out of the way, he's really moving along.

We started cross-training patrol Officer Lucas with Officer Picone, the evidence officer, so that way if anything happens to Picone, Officer Lucas can just step in and help him, especially if we get a big case like we have a couple of years ago where we found a lot of stolen property in a hotel room. It takes Officer Picone quite a few days to get things logged in, this way it'll shorten that time up.

Code enforcement took over 74 E-Gov issues last month and handled them and that's not including his looking at sign plans, wrecker inspections and doing their wrecker IDs. We're going to start tracking our wrecker inspections and our IDs that we make, that way we'll have some numbers on those, so August we'll start giving in some more numbers on those. The admin assistant scheduled a

park pavilion, got 13 schedules, 13 appointments for that next month. And she does a lot with the magnetic key system here, so she's working on that system too and she's going to start having more information on how much she deals with that system.

Also, just a reminder, we're going to have some more of the AOR community awareness training in July 11th at 7 PM for the identity theft. Also, in August, we're going to start doing the coffee with cops and we'll start it out over at Sunningdale, we'll put that out a month early so everybody will know what's going on and be able to schedule their time there to come meet with us. I'm going to try to get it where the shift that's working. Some of those guys can be there and it'll probably be the admin, the detective, the assistant chief, the lieutenant, all of us will be there just a few hours on Saturday and get to sit down and meet with everybody there so we can answer some questions for them too.

While I got you, I'm going to go ahead and give you The Woodlands Fire Department calls. They responded to three vehicle fires, EMS answered 55 calls here and they answered miscellaneous fire alarms and false calls for a total of 83 overall calls last month. Also, Joseph and I, I got with Joseph and Assistant Chief Gresham and I have been looking at some places in the city that we can find some things that are soft targets that we can have a problem with if somebody really wanted to make a little terroristic threat or terroristic hit on the city. Joseph and I are working on that with Gresham and we'll do a report but we're not going to make it really public but you'll get it, the city administrator will get it and that way we can work on some protection ideas to make things a little bit harder for people to get to. That's all I've got for you this morning.

Mayor Wheeler: Good, thank you chief.

Councilmember Fletcher: Chief, are you guys doing any patrols through Sunningdale or Oak Haven where you actually go into the complex and pass through and come back around?

Chief Shaw: Yes. They got the gate codes, they go in there.

Councilmember Fletcher: Okay, just curious.

Chief Shaw: In fact, they caught a burglar not too long ago in Sunningdale. They had to chase him around for a little bit first because he was jumping back and forth over the fence but they caught him.

Mayor Wheeler: Okay, Kenny, you want to talk to us about capital projects in building department. It's part of the building department.

Councilmember Raymaker: We have a lot of those lapel mics still available. 2:20:10

Mr. Eickelberg: We'll look into that too. I'm going to start off on capital projects. The first one is the water plant, the facility, piece of it. The contract is ongoing but we just on this middle stage, the paperwork stage, so it's a lot of-- nothing going on in the field right now. Probably in the next 30 days, plus or minus we should be starting to see some work going on out in the field.

We're going to try to get anything that interferes more with the -- I keep mixing up all the names so I apologize. The stadium over there, with the pipeline that goes from David Memorial back into the facility, they're going to try to do that as one of the first items of work. That's all they cleaned up and out of the way before, I guess football season is a big deal down here in Texas.

Mayor Wheeler: Yeah, kind of.

Mr. Eickelberg: Pathways project, it's ongoing, we just met today, talked with business owners that we still have driveways to do and finishing of the pathways in front of their businesses. It's about three weeks up before we probably added substantial completion. As of today, right now, I know this is for last month but just to give you an idea of that job. Today there are 63 days behind, over schedule. That's before we get all the weather delays and other miscellaneous delays in hand and review, possibly approved. That's just raw numbers.

Mayor Wheeler: Do you have penalty for that? Is there a penalty for how far out we can go to work?

Mr. Eickelberg: Yes, when it starts getting silly, they are not performing. I probably have the city administrator coming to council to say, "Hey it's probably time to start pulling the plug" and or going before the bonding agency to start turning the heat up, to either get production going or get somebody else in here to finish the work off.

The company that's been doing the work has been producing almost every day. Last week we had a little snafu, you know, that's 60% chance of rain every day last week, including the weekend and all this week. So, on Tuesday you got to make a decision on whether or not you want to dig out somebody's driveway. Have a 60% chance of rain for the next three, four, five days. Have it all torn up over a weekend, or whether or not you just call it and say let's try again Monday.

You can't do that forever because, coming from the desert it's like that's a no-brainer, rains four days out of the year, you go for it. Here, there's a potential of rain almost every day of the week so, it's a tough call.

Mr. Smith: Mayor, it's \$200 a day, liquidated damages by contract.

Mr. Eickelberg: The other big job is David Memorial extension phase one; as of today right now they are 85 days behind schedule. They had some issues with one of their subs, they're sending me back on target and we're working towards conclusions. Again, those are raw numbers, those that have not been had all the weathers and other delays requested.

Mayor Wheeler: They're probably more than \$200 a day.

Mr. Smith: They're \$200 a day as well, our standard liquidated damages for all contracts is \$200 a day.

Mr. Eickelberg: One of the other projects that's going to start getting some stuff is that we had some wrong contact information for the properties for the rear lot storm water project that's going to take place, so we've been trying to communicate with them. There's been nothing going back, we finally went over and said hi to them. They called back and says "Oh you got the wrong email address and you had the wrong telephone numbers." They weren't saying they were disconnected, they go, "Oh we use that one for purchasing stuff and look at it twice a year.

So we're getting that going, so that one should be moving, we should be in a contract before, hopefully in the next 45 days or so. That's all I have. Most of the stuff to me it's all boring mundane and every day run of the mill. Questions are a lot better for me or I can take the next nine hours and go over all the boring details with you, which I don't think anybody wants to do.

Councilmember Raymaker: Well you get my props for having timelines.

Mr. Eickelberg: I just thought that those were important because they've kind of being out there for a while, we are staying on top of them, it's-- some issues have come up and they've. They're aware of the delays and they're dealing with them.

Mayor Wheeler: Okay, thank you.

Mr. Eickelberg: The roundabout is open to being usable.

Councilmember Bevers: Kenny under the David Memorial Drive extension, just south of the extension there's a left-turn only on to Ed English, that doesn't seem necessary now with this project. Does that go away with this project? Maybe catching up currently.

Mr. Eickelberg: I've looked at the plans. I just don't have time. Time I had I don't know if I can pull Derrick into discussion or is that an illegal... -- Can I ask for--Derek?

Mayor Wheeler: Third time is a charm, huh Derek?

Derek Wind: That was not covered on the plans we certainly could consider that I did have our engineer who handles traffic. Look at that and he was here looking at the traffic lights, I'll double check with him and see what his opinion is as far as recommendation there.

Councilmember Raymaker: Derrick how does it feel to be so popular?

Derek Wind: More than I've thought in the last three years.

Mr. Eickelberg: We'll get that information back to council.

Councilmember Fletcher: Kenny in regards to the pathways, I noticed there's a lot of debris that the contractors is leaving, maybe it's cleared up, it's been a couple of days since I've driven down that way since my son is at camp, he's not going to speed camp and I'm taking a different route but usually when I drive down the feeder roads south on the feeder all the debris for the forms are just piled up. Maybe it's already been cleaned up, I don't know, but if not is there a way that we can get that cleaned up? Because it does...talk about eye sores.

Mr. Eickelberg: Every week I've been after him, some weeks he ignores it, some weeks he pays attention. We just got Global Shenandoah Property which is, if my memory is serving right that's between outback and Ethan Alan; that was all cleaned up. He'd been warned and we gave about an eight-hour notice to get that cleaned up. Also talking with him today, he's been having a couple of guys go up and cleaning things up, so it's the last couple of days especially this week it's been getting better.

He's dedicating three or four guys minimum Monday, because it's just a one day for the holiday, to really start cleaning the place up. Most of it should be starting to concentrate. It's the same miscellaneous construction debris should be down south of Texaco at this point. And we're going to start minimizing that. Greg's been after me. I'm not used to doing things in the public eye as much, most of my construction has been off the right of ways, so I've been getting a little more sensitive to it, so now I'm starting to be a pet-peeve of mine.

We'll start to hit him up on the contractors during the pre-con. During the bidding process that we want a clean site and it's not just talk. It got to a point on the sidewalk guy that we were at, no-- all workers cancelled until you get some stuff cleaned up. It's some of the, I call it the tool in the tool belt that we can use to get things done that we need to get done, sooner than later. Hopefully that answers your question.

Councilmember Fletcher: It does, thank you.

Mr. Eickelberg: Unless you're doing other things on the capital project, so I'm going to move on to the building department side. I read the report it seemed pretty straightforward. I don't know if you just want to go over the same numbers already on there.

Mayor Wheeler: Not unless there are questions.

Mr. Eickelberg: The thing that's not on here for the building department is-- in the last four weeks both our building official and our assistant building official have resigned and so we do have Terry Golden who was an employee of the city, he was also part time back up employee and building official. He has stepped up and answered the call of Shenandoah to help us out as we get advertisement and try to back fill the positions that have been vacated.

The building official is going to be missed by this person a lot, just a really nice rounded, very knowledgeable guy. Going to be really hard to replace that person. Very friendly, very knowledgeable. I spoke with the citizens, at least what little dealings I have, and saw him dealing with citizens in commercial developments and stuff. Very straightforward but these are the codes, they need to be enforced, do it.

But also at the same time through asking questions, very knowledgeable and able to feed the correct information to them. His shoes are going to be really hard to fill. Other than that, I'm just going to shut up and answer questions or sit back there.

Councilmember Raymaker: Is Terry, he's working a contract there, with us?

Mr. Eickelberg: Yes, that would be more Greg.

Mr. Smith: Yeah, Terry has never stopped working for us, he's a part-time employee. He works up to part time amount and he has never stopped working for us. He is here on a PRN basis. Council, also, I have one other thing if you are through with Kenny.

Councilmember Bevers: Thank you, Kenny.

Mr. Eickelberg: We will get that light situation fixed.

Mr. Smith: I have one announcement to make about a department and we do not have the formal award here tonight. The finance department has been notified this week that they have now received the transparency award for debt service. That information and email have just come in this week. As soon as we get the certificate, we will bring Lisa in here and we will also be sending a press release out. We now have two financial transparency awards for the finance department.

Councilmember Bevers: Congratulations.

Councilmember Fletcher: Absolutely.

Mayor Wheeler: Do we need to circle back to CVB?

Ms. Calvert: CVB, we are about 94 visitors this month. That's typically what we get anywhere between 85 and 95 visitors. Hotel occupancy is relatively flat this month. Occupancy tax; the hotels will tell you they're hurting. They are always going to tell you they are hurting because they would like to have 99% occupancy and that is just not going to happen. They are getting the typical Monday to Thursday business travelers, we just don't get leisure stays on the weekends.

Airbnb's still top the news regarding hotels and travel and tourism. The hotel industry, of course, is very leery of the Airbnb's and fighting that battle to try and get them to pay occupancy tax. Airbnb has agreed to pay the state occupancy tax for taxes but they will not pay the city as of right now. In May, we did have a restroom trailer at the Insuperity Golf Tournament here in The Woodlands.

In exchange, we had our restroom trailer there, we also had an ad on their website with the hotels listed. We had it in their jumbotron throughout the tournament week and we are on their website, their sponsor board, and their daily spectator guide. Social media; we continue to try and increase our presence on social media. Likes and follows, and shares, don't necessarily equate to hotel stays but we're at least trying to do everything we can, to get our name recognition. That's pretty much all I have.

Mayor Wheeler: Anything else? Anybody have any questions or? No.

26. Council's Inquiry (2:32:55)

Mayor Wheeler: Okay, we will move into item 26 then, which is council inquiry. We will start with Councilman Raymaker.

Councilmember Raymaker: A couple of weeks ago, Greg, you were meeting with some representative from Sam Moon and I was just trying to get an understanding of who you met with? What was the agenda of the meeting? Could we in the future get a report of what the agenda was and what was discussed?

Mr. Smith: Absolutely, I have numerous meetings with developers all the time. You normally do get a monthly report. Courtney is out on maternity leave. We've not had the staff to be able to produce that report. Had a meeting with Sam Moon and well as Gil Staley with EDP, they brought down their partner that is going to be doing the office building side and wanted to get a feel for what the office market is. Gil is with economic development partnership, who we are a partner with.

I brought the expert in The Woodlands and so we met over that. Other ones dealing with Sam Moon, we've had a couple of meetings on the PID, and the process and the appraisal that is currently ongoing. There have been a couple of changes that Daniel has talked about with his hotels, talking about possibly having three hotels instead of just two. There are ongoing meetings with Daniel along that, but the big one was probably the one with Gil.

Mayor Wheeler: That's a great point and I'll piggyback on that Ron and say that I think that we all probably need to be cognizant-- Say that three times fast-- Of that as well. I don't want to discourage council members from meeting with you by any means, but it will be good if we kept each other in the loop on what we are doing because-

Councilmember Bevers: Hard to do that.

Mayor Wheeler: -For a couple of different-- Well, that's my point. We have a couple of different problems here that we can end up with a walking quorum if we are meeting with people, and then someone else is meeting with them, and someone else is meeting with them. Just maybe some sort of system of a head's up, "Hey, I'm going to meet with so and so".

Councilmember Raymaker: Yes, that was what I was thinking, specifically though for economic development and--

Mayor Wheeler: Sure, It is a great idea.

Councilmember Raymaker: Give us a heads up if you can. The agenda before the meeting but the minutes within 48 hours afterward, so that we are up to date on what's going on.

Mr. Smith: You are asking for-- I'd like better direction on what you are asking for because you want me to send you a summary of the meeting, 48 hours after every meeting I have?

Councilmember Raymaker: Yes.

Mr. Smith: Okay.

Mayor Wheeler: Is that something that everybody else feels is important?

Councilmember Raymaker: Certainly for the economic development side. I don't know if you want to put a threshold on it for different types of meetings and different types of vendors.

Mayor Wheeler: You would like that to be on a future agenda to discuss whether or not the city administrator needs to--

Councilmember Raymaker: Why not, next time.

Mayor Wheeler: Okay. Do we have a second council member that would like to see that on next month's agenda? We cannot deliberate on it during council inquiry. We're going to deliberate whether or not -

Councilmember McLeod: Sure, we can talk about it next time.

Mayor Wheeler: We want to have an agenda item next meeting-- What's that?

Councilmember Fletcher: If it is with respect to economic development, then, yes. It would be--

Councilmember McLeod: That's what we got to talk about next time, like what meetings-- Yes.

Mr. Frazer: You need two council members to put it on the agenda.

Councilmember McLeod: Yes, that's what I just said. Put it on the agenda so we can go.

Councilmember Raymaker: Okay then, we've lost two building officials in the last month. Have we done any exit interviews with any of these people to find out why they left us? If we haven't, why haven't we?

Mr. Frazer: This would be something that would have to be addressed in an executive session under a specific agenda item. It's a personnel matter.

Mayor Wheeler: It's dealing with personnel.

Councilmember Raymaker: Without that then, can you at least give me the outline and overview of how the building officials? What exactly is their reporting structure? How do they go about doing their business? How are they tasked?

Mr. Smith: Yes Sir. What you are asking is, what is their daily intake and how they get tasks assigned to them?

Councilmember Raymaker: Yes, who is telling them what they should be working on?

Mr. Smith: The front desk receives all the plans in and then, the front desk assigns those plans to the building officials. The front desk receives all the calls for scheduling the inspections and they assign the building inspectors, the inspections. Building official decides which inspection he does when and works through the inspections out. Direct calls from contractors could go to the building official either one of them directly. All of their comments for their plan review is done digitally, so they send all of those electronically. The building officials work for the CP&I-director but they do take daily assignments as far as what plans are in, and what inspections have come in, through the front desk.

Councilmember Raymaker: Okay, but they work with Kenny? Kenny assigns their workload or?

Mr. Smith: No, Kenny does not assign their workload. They report to Kenny if there's any questions or comments. The workload is assigned through the calls, inspection requests, and plan reviews, that are processed through the front desk.

Councilmember Raymaker: Okay, if you would be able to get me what that official workflow looks like, not right now, but sometime during the course of the next week, just so I could see what the workflow looks like.

Mr. Smith: Okay, I will do so.

Councilmember Raymaker: OK, that's it.

Mayor Wheeler: Thank you Mr. Raymaker. Councilman Fletcher?

Councilmember Fletcher: Just a couple of things real quick. I know we've discussed this a little bit already. Greg, if it's possible I'd like to put the chain of command back on the agenda next week or next session if there's another councilman that also wants to see them.

Councilmember Raymaker: Yes.

Councilmember Fletcher: With action-- discussion and action. Also, since it was brought up a couple of times this evening, I would like to also have a discussion, no action but begin discussion on Dog Park.

I know in our last session, we also discussed trying to get together a joint session. I know Mike, you were interested in this as well with the MDD, and planning, and zoning. I don't know if there's any way that we can make some progress on that and get some firm dates down?

Councilmember McLeod: Yes, we're-- Just keep working on that.

Mr. Smith: Yes, we will be getting that information out.

Councilmember Fletcher: Okay, I know you were also working on trash. I know that's coming back up again. Were you able to get any phone numbers?

Mr. Smith: Joseph, have we received the firm numbers back yet?

Mr. Peart: No, we haven't gotten them back yet. I've talked to our account manager a couple of times since and I'll keep asking him. He's not gotten them to me yet.

Councilmember Fletcher: And then also-- We also talked about this as far as beginning discussion, no action at this point but regarding building code, and beginning to look at how we want to

proceed with the building code within the city. From the perspective of, if it's a repair item, if it's a remodel if it's a new construction, and what we really want to implement along those lines.

Councilmember McLeod: Yes, I would agree with that just-- Again, discussion only but we need to start that process.

Councilmember Fletcher: That's all I have.

Councilmember Bevers: What's the-I'm sorry. What's the status on the audio hosting for council meetings?

Mr. Smith: We are about to able to start hosting that.

Councilmember Bevers: Sounds like within a few weeks?

Mr. Smith: That would be my plan, yes.

Councilmember Bevers: Good. I'd like to in budget time, maybe the appropriate time but consider the other items on the Tamina engineering proposal that we were unable to discuss tonight. And then two, what does the Sam Moon PID schedule look like? In terms of when will something be coming back before council?

Mr. Smith: I do not have the date. I have a conference call tomorrow at one o'clock, with Clark Lord and our team from Bracewell. I know CBRE has indicated they will have their appraisal to the city on July the third, which is Monday. From that standpoint, if everything is still moving forward, as I discussed with the three new council members, as having individual meetings with the three new council members, just like all the other council members had with Clark Lord. Not during this meeting but individually, to have the information brought to you if you still like it. You can be brought up to speed as items come before you.

Councilmember Fletcher: Is there a way to hold a special session on that, rather than doing three individual meetings?

Mr. Smith: Yes, if Council wants to have a special meeting, we certainly can have a special meeting to just bring everybody up to speed on the bid.

Councilmember McLeod: Is there a proprietary data that you would be sharing out?

Mr. Smith: No, it will be the same information that he shared with you guys up front. I actually think there's more-- Now there's probably more public data--

Councilmember McLeod: That's what I was thinking actually. Yes, by now he's released-- He's released us from all the--

Mr. Smith: Yes, Council wants to have a special called meeting for just that issue, we certainly can make that happen. I just need to know when you guys want to schedule it.

Councilmember Bevers: I'd be in favor of doing it as a special called meeting. We'll wait and see-- confirm that the appraisal comes in and—July's going to be busy...July and August for sure, but do what we got to do.

Councilmember Fletcher: Yes, I would say wait until the appraisal comes in because if it doesn't, then it's a moot point.

Councilmember Bevers: It's going to come in.

Mayor Wheeler: Just to be clear, Byron asked for an agenda item next month for the Tamina Road Research Forest--

Councilmember Bevers: Doesn't have to be next month, as long as it's on the radar, we can talk about it in the budget workshop, that's fine.

Mayor Wheeler: Okay. Is there a second council member who would like to see that?

Councilmember Fletcher: Yes.

Mayor Wheeler: Just checking. Councilman Bradt?

Councilmember Bradt: Well, It's pretty simple that several residents ask about a mosquito abatement, spraying for mosquitoes because they're-- With all the rains we've had, they're pretty intense right now. I don't know if I need to talk to you, Joseph or Greg?

Mr. Smith: Joseph is it.

Councilmember Bradt: That's what I thought. We have to get James Noack. I don't know if the county does it or if we do it, or we have a private concern--

Mr. Peart: That's going to be in the commissioner two. That will be Charlie.

Councilmember Bradt: Charlie Riley?

Joseph: Yes, the residents are welcome to make phone calls to their office. They can come and trap mosquitoes, and do testing to see if there are any pathogens in the blood. They'll do that inside-- Anywhere inside of their commission.

Councilmember Bradt: Or just a city wide thing or they've got to do it individually now?

Joseph: Well, the individual residents can call in. I know a few years ago, I believe West Nile was pretty bad in the whole area. And so, they did do a-- The commission did an area spraying which included Shenandoah but the city doesn't do sprayings. We don't do that ourselves.

Councilmember Bradt: Charlie does or could schedule it if I call him?

Mr. Peart: Yes.

Councilmember Bradt: Is that on your part or the individual's part? That I'm unclear on.

Mr. Peart: I could-- I've talked to their office before, and basically what they said was if there's-- If you have a particular concern about a certain area, tell us where it is and we can go trap mosquitoes and test them. It may be easier for the resident to do that if they have a particular area or if you could let me know those areas, I'd be happy to help.

Councilmember Bradt: Well, I don't think you're talking about trapping mosquitoes for Zika or anything just that they're pesky mosquitoes. They keep getting bit, the grandkids are getting bit and that's what I'm hearing.

Mr. Peart: Right, and what they say is they test for pathogens-- They're going to do a spraying if there's risk of disease spreading.

Councilmember McLeod: If it's just a nuisance, they're not going to spray because there's a balance, there are a plus and a minus between the risk of the spraying associated with it. Now if there's West Nile and there's Zika and things like that, that's worth the risk of spraying. That's the balance there, plus there's obviously cost and those things but--

Mayor Wheeler: Anything else? No? Councilman McLeod?

Councilmember McLeod: Charlie took my first one, so that's good, that gets that one off. A couple of questions, I actually have one. I came up with one because it came up during tonight's meeting and it's actually for our legal counsel here. How do we have a discussion on an item that's listed "discussion and possible action" if we don't actually want to take action? What's the recommended course?

Mr. Frazer: It's a listed agenda item if I'm understanding you correctly, right?

Councilmember McLeod: Right." Discussion and possible action" but everybody just wants to talk.

Mr. Frazer: Well, under the rules of order, somebody should make a motion. A motion could be to table it, so you can talk about it. The motion could approve it, you could withdraw it later but ideally, you would make a motion, the second and then have discussions. That's the--

Councilmember McLeod: You could make a-- Like I make a motion to table, somebody seconds it and then we can just talk this--

Mr. Frazer: Because you haven't had a vote, you then enter a discussion phase.

Councilmember McLeod: Excellent, I just wanted to clarify that to make sure that-- For future meetings we could-- We would know how to proceed if something was posted like that, okay. The second thing is-- Again, it came up tonight, would it be possible if we could make the-- This is when we talked about-- This is the legal posted agenda, right?

Mr. Frazer: Yes.

Councilmember McLeod: Can we have this match the details so as you're looking at the agenda item in the packet, that the statements match? If that can-- If we could do that.

Mr. Smith: Yes. I'll just instruct all department heads to make sure they read the agenda and their general reports match the agenda item wording.

Councilmember McLeod: Cool. Alright, I'd like to add a discussion regarding selling surplus equipment. What I mean by that is, what is our policy and procedures for doing that? Who do we sell to? Will we require minimum bids? How we go about estimating value-- Again, discussion only but as we talked about last meeting or two meetings ago, we have this thing where we-- Sometimes we post it on the website, sometimes we post to e-Bay, I'd like to get a path set up, that everybody can-- All the department heads understand how we're going to handle equipment that we've deemed to be surplus.

Mayor Wheeler: Do we have second councilmember for that?

Councilmember Fletcher: Yes.

Councilmember McLeod: Alright. This other one's kind of long and it's actually a whole bunch of series that's underneath-- An overall discussion regarding-- I might not going to say it right but accounting procedures or accounting reporting, against strictly as a-- It will help to make things a little more clear. I'm going to go through a series of items or series of things that I would like to talk about that would fall underneath that. Things like-- Perhaps we consider using project-based accounting. Many of our projects and works-- That is, you open an account, you work through the account, you close it, and then you lock it and that's that job. We could do the same thing for CVB hosted events. That there's a code that associates every expenditure with a very specific activity and when that activity's over, you close that up.

It might help us look at the books in a different manner. Again, this is for discussion so I'm open to looking at that. Included on this, is how we account for and report reserve funds; I know right now, reserve funds reported is cash minus liabilities. What that means is, it fluctuates at least daily if not more often than that. A discussion about how we report that so that we could say in our reports, maybe we update that only a quarterly and so we say, "As of January 1st, our reserves are XYZ." whatever they are.

How we handle those funds; maybe that's a separate account and we make quarterly moves or as we wrap up a project, if there's money that wasn't spent but was budgeted, we make a onetime deposit if you will, into the reserve fund in that manner. Again, these are all ideas for discussion, not final ideas. That might simplify some of these discussions. We have a cash pool that we were working out of and then we have a reserve fund, where people can think about as a separate package, instead of mixed together. Which I think that may be causing some confusion in the community. Also, I would like to-- I would like us to get moving on posting our check register on the website in near time. I know there is a plugin. We saw at TML, for Incode that lets us do that. As we enter checks--

Ms. Calvert: The check registers are on the website.

Councilmember McLeod: In real time?

Ms. Calvert: They're up there as soon as you guys approve them, usually.

Councilmember McLeod: As you enter them, there's an encoder plugin that will let us-- Okay. That's what I'm discussing. Again, I'd like to bring this back perhaps again, this whole package. Can we include, and I said line item, but probably not an individual line item, income grouped in such way for instance, we saw the fire marshals' expense. Well, based on our agreement, there's a fire marshal-- Not a fire marshal-- The inspector-- We got a contract, right?

We see the expense for that but people paid for that. Right now, looks like an expense but that'll be nice if I could say, "No, no, all that's been paid for."

Mr. Smith: That's in next year's budget.

Councilmember McLeod: Okay.

Mr. Smith: Already has a line item in the revenue that will match dollar for dollar. The fire marshal in, fire marshal out.

Councilmember McLeod: Okay. That's--

Mr. Smith: We could do it this year. You will just have to do a budget amendment and as you recall, the auditor has recommended not making budget amendments for routine items like that. So if you

want a budget amendment to address that on a revenue side this year, we can certainly do that but in next year's budget, it is a line item for fire marshal expense as well as fire marshal revenue.

Councilmember McLeod: Okay. Those are the kind of things I want to address. Finally, and this doesn't need to be the next agenda item. First of all --

Mayor Wheeler: Yes. Could you clarify for Kathie specifically, what the agenda item is.

Councilmember McLeod: I would say, discussion about regarding accounting reporting maybe.

Mr. Smith: Okay. If I can--If I can ask Mike if you would allow this to go to the budget workshop?

Councilmember McLeod: Okay.

Mr. Smith: Can we discuss it during the budget workshop -- Because as previous council members, when we sit there, we do need to take breaks from just talking number, number, number and a maybe a great time to get away from the numbers, and talk about the procedures in a different way. If we want to change the way we're doing in accounting, the budget workshop would be the time to have that discussion, in my opinion. If you agree with that, that would--

Councilmember McLeod: Yes, I'd be OK with that. Is that OK with everybody?

Mr. Smith: Okay.

Councilmember McLeod: Again, I'd like to look for presentations of some sort from the Shenandoah Business Administration. I see we are getting some touches and some things like that. This can be short again. This does not need to be next week's. Budget workshop may be the place for this as well. Shenandoah Business Association; what's that involving? How is that working? Is that being used effectively or do we need to spin that up? Will that group help increase income and therefore increase sales revenues? Can we work on partnership better? Just right now, I want to know what's going on before we start coming up with other ideas.

Mayor Wheeler: What is the agenda item?

Councilmember McLeod: Discussion regarding Shenandoah's Business Administration or-Association.

Mayor Wheeler: Association, right.

Mayor Wheeler: Anything else?

Councilmember McLeod: That's it.

Moderator: Okay. Just out of curiosity Kathie, how many additional agenda items is that that you got over there?

Mr. Smith: I got about eight or ten that were listed for next meeting. We have probably six or eight follow through from the last meeting and we have probably six or eight new ones that are coming from staff. We're looking at about a 30 agenda item meeting next time, give or take.

Mayor Wheeler: One of the reasons I like this format, where we can talk about what agenda items we want to see on the future agenda, and have-- If you want to see one and have a council member second it, so that we all get a good scope of what we are looking at for the next agenda. If we want

to have a 30 or 30 plus agenda item meeting or if we could push things off, for instance, this was 26 items and we're at three hours so --

Not discouraging anyone from putting things on the agenda. It's good that we could do it out here, where we are all seeing what each other is doing so that we are not overlapping each other. The challenge to people emailing in agenda items is, we don't know what each other is emailing in, so we start piling up on an agenda and in addition to that, by doing it this way, we give staff plenty of time to prepare for it and each other, as oppose to, in this particular meeting we have agenda items being emailed in as late as Friday morning, on an agenda that was supposed to go out by noon. This is a good format and that this is something that we need to try to stick to.

When you come to council meetings and you know you're going to have something that you want to see on the future agenda, then during Council inquiry, you can bring that up. Get you another council member that says, "Yes, we want to see that too. We have two council members that want to see the same agenda." We're all on the same page and that we could also all talk about how many agenda items we're going to be stacking up on an agenda; whether or not we can pare some of them down and talk about it at a later date if they are not essential. Any comments on that?

Councilmember Fletcher: That being said, in 30 agenda items, please remove building code discussion, Dog Park discussion and what other one, that I have on there?

Councilmember McLeod: We could leave that. I don't have a problem leaving those.

Mayor Wheeler: If he wants to pull them off.

Councilmember Fletcher: Well, I don't want-- 30 agenda items and these aren't pressing items-

Mayor Wheeler: Right.

Councilmember Fletcher: -We can scale them back-

Mayor Wheeler: Well, I agree with that.

Councilmember Fletcher: -Defer them to a later date. I don't have a problem with that. I don't think we need to have a five-hour meeting to talk about things that can be talked about at a later date that we don't have as many agenda items on.

Mayor Wheeler: There will be shorter agendas once we get past budget workshop, we know that. We've got big projects right now that we are talking about. I agree with Ted, not minimizing the Dog Park but it probably could wait until--

Councilmember Fletcher: It's not a pressing matter. Right now the building code discussions are discussions, so it's really not a pressing matter. That's why I would say, I would defer to different meetings rather than trying to tackle 30 agenda items in one meeting. I don't have a problem with scaling this back or like I say, pushing them forward. The joint session wasn't an agenda item. Really, the only item I am leaving on there is the chain of command.

Mayor Wheeler: Perfect example of why this discussion I think works.

Councilmember Bradt: We can take it one step further and put it on you to decide what's relevant and if there is a-

Mayor Wheeler: No, thanks.

Councilmember Bradt: -No, no-

Councilmember Raymaker: - Just as long as it's not my head.

Councilmember Bradt: - Keep a running total of what we've requested, but the status of do we need to talk about it this week or next week or could be-- That's all.

Mayor Wheeler: Absolutely.

Councilmember Raymaker: In light of the meeting, the number of agenda items, and the length of time, our staff folks-- I will just quickly go around. When did you get in this morning? What time?

Mr. Peart: 7:30.

Councilmember Fletcher: He never left.

Mayor Wheeler: He got caught in the back.

Councilmember Raymaker: What time did you get in, in the morning?

Chief Shaw: 7:30.

Councilmember Raymaker: 7:30. Kenny?

Mr. Eickelberg: Eight o'clock.

Councilmember Raymaker: Okay. Do these guys get any latitude to get in on a day like today at noon time or something because we know they are going to be here a long time?

Mayor Wheeler: I know Kathie's here at seven when I was coming out of working out.

Councilmember Raymaker: I am just thinking about--

Mr. Smith: There is a much more latitude than that. Our department heads are exempt employees and my standard with exempt employees is, if they need to take off and they have some errands to run, or they want to bug out a little bit early, if all of their stuff is done, it doesn't just have to be today. Any one of those three can burn two hours, four hours, three hours and just bug out a little bit early, come in a little late, take an extra-long lunch hour, go pick up their kids, go watch their kids program, doesn't just have to be on this day. I give them latitude because I trust our department heads--

To answer your question is, yes but it's just not today. It is they have that ability to do that when they need to, the only this I ask is if they are going to be on comp time or flex time as a better way to say it, they are just available for us to get in touch with them either by an email or a phone call. That's been the practice since I have been here.

Councilmember Raymaker: I just want to be sure they don't pull a building official deal on us. It's too long a day, I'm out of here.

Mr. Smith: Understood.

Mayor Wheeler: Again, had good discussions this week with Jennifer and Greg. We spent probably about two hours on the revenue, we will be obviously discussing that at length coming up but I've

spent-- I bet you I have spent-- I don't know Greg what eight to ten hours probably doing budget revenue, up here?

Mr. Smith: Here, yes, that doesn't include the time you have spent on your own time.

Mayor Wheeler: My point in that is, that the staff has done a really, really, phenomenal job of having that information prepared. When we get it, I think you will be pleased with it. They put a lot of effort into it. This is-- I am excited about this budget workshop, it's going to be a good budget workshop. Then the Lone Star Groundwater Conservation Board; I appreciate Councilman Bradt for being there today. That was good that we represented the city.

I was not pleased at all with the meeting format. One of them is here, so I am trying not to--but we have already talked about it but just as a comparison contrast, so you see what other meetings are like. They do their executive session first. They went into executive session for about one hour and 15 minutes, while the residents sat outside and waited, then they came back from executive session, they took about a 15 minute recess, then they went through their entire agenda, and then they had citizen inquiry as the last agenda item, three hours after the meeting started.

It really opened my eyes for our residents, in how can we make our meetings even more resident friendly than what they are? I think we try to do a pretty good job. I sure hate keeping you all up here for three hours. I hope that when we do, that they are three meaningful hours. I hope that we give you all plenty of opportunity to give us feedback. That's something we always need to keep in the forefront is, are we making these meetings resident friendly? Where we are encouraging them to come to the meetings. That's it. The meeting was at 9 o'clock this morning.

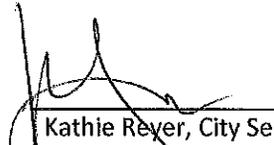
Again, I had to take off work. You know I am playing hooky from work to go up there. I hope nobody from work is watching your live feed Ritzy.

Councilmember Bradt: Say that again.

Mayor Wheeler: Yes exactly. But, I think the fact that we do have these meetings at night where residents can come up here after work, again, is just showing that we are trying to be transparent and resident friendly. If nobody's got anything else, I would like to thank everyone that stayed tonight and came and tried to be a part of this. Thanks, everybody that participated and with that, we adjourn the meeting.

The meeting was adjourned at 10:10 pm.

SUBMITTED BY:


Kathie Reyer, City Secretary

DATE APPROVED:

August 23, 2017


M. Ritchey Wheeler, Mayor

